



LOWER PLATTE SOUTH natural resources district

3125 Portia Street | P.O. Box 83581 • Lincoln, Nebraska 68501-3581
P: 402.476.2729 • F: 402.476.6454 | www.lpsnrd.org

Memorandum

Date: November 14, 2023

To: Board of Directors

From: Dick Ehman, Water Resources Coordinator 

Subject: Water Resources Subcommittee Meeting Minutes, November 2023

The Water Resources Subcommittee met on Monday, November 13, 2023, at 5:00 PM at the LPSNRD office. Subcommittee members present included Bob Andersen, Larry Ruth, Gary Hellerich, Susan Seacrest, Don Jacobson, and Mark Spangler; Melissa Baker and Luke Peterson were absent. The Subcommittee met to review, discuss, and take action on one item, and to receive reports on two items. A quorum was present for the meeting. Corey Wasserburger was present as were staff members Mike Sousek, David Potter, Steve Herdzina, Maclane Scott, Drew Ratkovec, Katie Cameron, and myself. Members of the public present included Dave Hume and Jon Mohr from LRE Water, Anna Wishart and David Porco from Monolith Nebraska LLC, Jim Schneider from Olsson, and Lalit Jha from JEO.

Chair Seacrest welcomed the attendees and called the meeting to order at 5:02 PM.

A. Discussion and Consideration of a Class 5 Water Well Permit and Variance Request from Monolith Nebraska LLC (ACTION)

In 2021, LPSNRD granted three water well permits to Monolith for industrial/cooling water production at their Olive Creek facility north of Hallam. They have since found the groundwater quality in one of their production wells, Olive Creek #3 (OC#3) is unsuitable for their industrial processes. As a result, they are proposing to drill a replacement well approximately 450 feet southwest of the existing well. This replacement well would be a Class V well which requires Board approval. Additionally, Monolith is applying for a variance to be able to move the replacement well more than 150 feet, and to exempt them from the 72-hour pump test requirement of the Class V permit.

Staff presented the well permit information, the variance request, and associated maps and memos. The committee discussed the details of allowing the replacement well, asked questions regarding site selection and site-specific geology, discussed the concerns of further salt concentrations in a new well, the potential impact on nearby wells and overall water use, and other related matters. Monolith Nebraska LLC, Olsson, and LRE contributed to the discussion and provided additional site and geologic information. Monolith indicated that Olive Creek #3 well (OC#3) will be repurposed as a monitoring well to allow for further site evaluation. Monolith also expressed the need to act in a timely manner as they maintain the goal of having the potential replacement well operational by the end of the calendar year.

1. It was moved by Andersen, seconded by Jacobson, and unanimously approved, to recommend that the Board of Directors approve the Class 5 replacement water well permit for Monolith Nebraska LLC to replace the existing Olive Creek #3 (OC#3) well, to be located approximately 450 feet southeast of the current OC#3 well.

2. It was moved by Andersen, seconded by Jacobson, and unanimously approved to recommend that the Board of Directors grant a variance to Monolith Nebraska LLC for the proposed Class 5 replacement well, specifically exempting the Class 5 72-hour pumping test requirement and allowing them to locate this replacement well greater than 150 feet from the well to be replaced as per Section C of the Groundwater Rules and Regulations.

B. LRE Water Update on LPSNRD 3-Dimensional Hydrogeologic Framework Project (NO ACTION)

Dave Hume and John Mohr of LRE provided an update regarding the 3-Dimensional Hydrogeologic Framework they have been working on for the District. This project is funded by a \$247,500 grant from the Water Sustainability Fund (WSF) and \$165,000 in LPSNRD funds, for a total project cost of \$412,500. The project utilizes the existing LPSNRD airborne electromagnetic (AEM) data as well as other available geologic and groundwater information to produce maps and tools for groundwater analysis within the District, similar to approaches taken by other NRDs. The products from this project will provide additional tools for NRD staff and other professionals to evaluate groundwater resources, subsurface geology, vulnerability, and other factors, and will enable more detailed groundwater modeling to take place across LPSNRD. LRE indicated that they will also be providing training to District staff to fully utilize the tools they have created. The project is on schedule to be completed by December 31, 2023 as stated in the original project workplan.

C. Update on Olson/Benes Cease and Desist Order (NO ACTION)

The committee has had ongoing discussions regarding the Olson/Benes conflict and the possible ways to remedy the situation. The LPSNRD currently has a Cease-and-Desist Order

in place for Benes Service Co. that requires them to manage their irrigation water in a way that does not allow for runoff onto the neighbor's property. Staff have conducted numerous inspections to determine that the Cease and Desist is being followed. These inspections have been prompted by concerns from the neighbor downstream. None of these inspections have indicated a violation of the Cease-and-Desist Order.

At the September meeting of the WRS, the subcommittee recommended that the general manager engage legal counsel in discussions on possible solutions to this ongoing issue. Legal counsel discussed some options included revising the Rules and Regulations to better account for Cease-and-Desist expirations, a possible Board motion regarding the current Cease-and-Desist Order, and the ramifications of each. The general manager reminded the committee that the NRD will be considering updates to the Groundwater Management Plan and suggested that may provide an opportunity to further define the Cease-and-Desist process.

With no further business the meeting was adjourned at 6:37 PM.

Enc.

cc: Steve Seglin
Corey Wasserburger
Dave Landis