



LOWER PLATTE SOUTH
 natural resources district

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Memorandum

Date: March 10, 2017
To: Each Director
From: Paul D. Zillig, General Manager 
RE: Water Resources Subcommittee Meeting Minutes.

The Water Resources Subcommittee met in the NRD Office at 5:30 p.m. on Thursday, March 8, 2017. Subcommittee members present included Don Jacobson, Gary Hellerich, Chelsea Johnson, Greg Osborn, Karen Amen, Gary Aldridge and Vern Barrett. Others present included Ray Stevens, Luke & Dani Rasser, Dave Potter, Dan Schulz, Ryan Rezac, Dick Ehrman, and myself.

The meeting started at 5:15 p.m. and the first item on the agenda was to consider staff's update on negotiations with Luke & Dani Rasser to transfer ownership of the Hickman CWSPA "Orchard" Monitoring Well. Ehrman reviewed the Board's action to direct staff to negotiate a proposed sale of the well to the Rassers. The Subcommittee was provided a letter from Dani Rasser explaining some of their concerns and the Rasser's discussed the issue with the Subcommittee. The Rasser's pointed out that there is considerable cost to modify the well and pipe water to their house from the monitoring well, and a new well was only about \$700 more expensive than modifying the monitoring well. They offered \$100 to take ownership of the well.

It was moved by Osborn, seconded by Hellerich, and approved on a vote of 5 "yes" and 2 "no" to **recommend that the Board of Directors approve transferring ownership of the Hickman CWSPA "Orchard" monitoring well (well registration #G-153025), to Luke & Danielle Rasser for \$100, subject to legal counsel review.** "Subject to legal counsel review" was added earlier as a friendly amendment.

The next item on the agenda was the 2016 Ground Water Annual Review as presented by Dick Ehrman. The subcommittee discussed the findings of the Annual Review (attached). Ehrman will present the Annual Review at the monthly Board Meeting.

The next item on the agenda was to consider entering into a laboratory services contract for water and soil samples with MidWest Labs. Ehrman reviewed his attached memo on



the lab services contract proposal. He stated that NRD staff is very pleased with the work of MidWest Labs, they are cooperative and flexible in working with our field crew, and their prices are reasonable. Ehrman stated that MidWest Labs proposed a 5 year contract, as compared to the typical 3 year contract. Staff feels this would be a good idea and recommends approval of the 5 year contract. It was moved by Amen, seconded by Barrett, and unanimously approved by the Subcommittee to **recommend that the Board of Directors enter into a professional services contract with Midwest Laboratories for the 3-year period of June 1, 2017 to May 31, 2022 for water and soil analyses at the prices given in the attached document, subject to review by legal counsel.**

The next item on the agenda was to consider entering into a cooperative agreement with the University of Nebraska for the 2017-2018 Vadose Zone Project. Ehrman reported on this cooperative effort to utilize improved methods to further sample and analyze the vadose zone across the NRD. It was moved by Barrett, seconded by Johnson, and unanimously approved by the Subcommittee to **recommend that the Board of Directors enter into a cooperative agreement with the University of Nebraska in an amount not to exceed \$35,118 for the 2017-18 Vadose Zone Project, subject to legal counsel review.**

The final action item on the agenda was to consider the Dwight-Valparaiso-Brainard Special Management Area Ground Water Rules & Regulations allocation violation. Rezac first reviewed the water use fact sheet for the area (attached), then his memo on the allocation limitations and penalty (attached), and then his Report of Investigation for the Violation by Beverly Ann Regusa Trust, c/o Farmers National Company, Tenant: Dave Hladik (attached). Also handed out (and attached) was a copy of the NRD's Enforcement Procedures for the Nebraska Ground Water Management and Protection Act, Rule 5 – submittal of investigation report and subcommittee consideration alleging violation and alleged violators alternatives.

The Subcommittee discussed the report and situation. It was moved by Aldridge and seconded by Amen that the Water Resources Subcommittee determines that there is a probable violation of irrigating in excess of the allocations as stated in the NRD's Ground Water Rules & Regulations, Section R, Rule 2 (c) (iii) Dwight-Valparaiso-Brainard Special Management Area and as outlined in the Investigator's Report for the Ragusa Trust property. The Subcommittee directs staff to notify the alleged violator of the proposed penalties and their right to request a formal hearing.

The Subcommittee discussed the situation and staff's efforts to obtain accurate meter readings. Hellerich stated we should ensure that the meter is accurate, discussion continued concerning whether at this point, that was the responsibility of the NRD or the meter owner. The subcommittee further reviewed the enforcement process and that the purpose of the hearing would be to bring forward and receive any information or facts for consideration. It was moved by Amen, seconded by Barrett to amend the motion to change "proposed" to "potential". This motion failed on a tie vote of 3 "yes" (Amen, Hellerich & Barrett) and 3 "no" (Johnson, Aldridge & Jacobson).

The Subcommittee voted on the initial Subcommittee motion, which passed on a vote of 4 “yes” (Aldridge, Amen, Johnson, & Jacobson) and 2 “no” (Barrett & Hellerich).

It was then moved by Amen, seconded by Barrett, and unanimously approved by the Subcommittee to direct staff to write the alleged violator inviting them to meet informally with the Water Resources Subcommittee at their next Subcommittee meeting at a date prior to the April Board Meeting & Public Hearing.

The Subcommittee then heard several updates from staff on programs and projects of the Subcommittee. I reported that the Dwight-Valparaiso-Brainard Special Management Area Advisory Group will meet next week, Subdistrict #1 Directors Hellerich and Jacobson are invited to attend and report back to WRS. I also reported that a partial payment was made to B-D Construction for their work on the 168th & Pioneers/Havlat Road Structure, they are now reviewing the additional services provided in hopes of resolving the difference.

Potter reported on the NRD’s Watershed Rehabilitation projects at Oak-Middle 82-B, Upper Salt 3-A, and North Oak 1-A/Wildwood. Improvements are needed at all three structures, we anticipate bringing to WRS/Board a pipe maintenance project on Upper Salt 3-A next month.

Potter then reviewed three applications for larger dams to serve a variety of purposes, the applications were from Don Ficke, Doug Rath, and Pat Reed. Some additional evaluation is needed for each application including potential public benefits and costs.

I reported that the Subcommittee had received a copy of legal counsel’s concerns about LPSNRD joining the Ground Water Coalition, I reported that I would inform the Ground Water Coalition that we would not be joining the Coalition.

I then reported that the NRD’s are all being asked to consider investing in the Conjunctive Management Analysis Tool (CMAT). The Subcommittee will need to hear about this and consider the funding request.

There being no additional business the meeting adjourned at approximately 9:00 pm.

PDZ/pz

cc: Steve Seglin

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