

**Lower Platte North NRD
Water Committee Minutes
January 4, 2012**

Committee Members Present: Johannes, Hilger, McDermott, Pollard, and Saalfeld

Staff Present: Angle, Becker, Miyoshi, Mountford, Oaklund and Sousek

Others Present: Kenny Pestal, Clay Jedlicka, Joe Houska, Marc Buckminster, Brian Osantowski, Francis Osantowski

Location of Committee Meeting: Lower Platte North NRD office in Wahoo, NE

Start of Meeting: 5:00 p.m.

1. REGULATORY

A. GROUND WATER MANAGEMENT AREA

1. Variance Requests for Limited Development (Hydrologically Connected) Area

a. December Variance Requests

The District has received 11 complete variance applications for a total of 783.51 new irrigated acres in the Limited Development Area before the December 15, 2011 deadline. The new applications are listed on the attached variance spreadsheet. District map of the variance applications, as well as, the individual maps for each application are also attached.

b. Limited Development Areas

Limited Development for 2009 – 2012				
Year	Initial Acres	Awarded Acres to December 12, 2011	New December Variance Request Acres	Remaining Acres if New December Variances Conditionally Approved
2009-2010	5,000	4,995.83	0	4.17
2011	2,500	2,500	0	0
2012	2,500	1,689.21 <i>(acres will be issued January 2012)</i>	783.51	27.28
Totals	10,000	9,185.04	783.51	31.45

- One of those applications (Steve Osantowski) is a class three variance (70 new acres, 145 existing acres, total of 215 acres) with greater than 20% of the new acres on class 7e soils (48.5%) and was reviewed by the Committee (see attached soils map for new acres by Steve Osantowski). Also a shallow neighboring stock well (~1,500 ft. away) could be affected by pumping of this new high capacity well. After much discussion with Brian and Francis Osantowski, it was recommended (by Hilger) and seconded (by Pollard) to reserve 70 acres as listed in their original variance request and have staff visit the site to determine the accurate location of the future pivot and number of acres that are to be irrigated so the percent of class 7e soils can be determined and to report those findings at the January 9, 2012 Board meeting for further review at that time. Recommendation carried.
- Clay Jedlicka recently purchased some ground near Rogers and has submitted a variance request (LPN-V-012-0148) for 40 new acres to be irrigated from an existing well. The current tenant is reluctant to irrigate this ground and Clay Jedlicka will not take full possession until 2013, so he is

asking for a one year extension for this variance request. It was recommended (by Johannes) and seconded (by McDermott) to conditionally approve the following variance request in the limited development area and issue this variance from the 2012 allocation:

<u>Variance</u>	<u>Landowner</u>	<u>Acres</u>	<u>Legal Description of All Fields</u>	<u>Well Legal Description</u>	<u>County</u>
<u>LPN-V-012-0148</u> <u>Class 2</u>	<u>Clay Jedlicka</u>	<u>40-Expansion</u> <u>(80-Total)</u>	<u>Expansion – NW1/4 of</u> <u>SE1/4, S33, T18N, R4E</u> <u>Existing – NE1/4 of SE1/4,</u> <u>S33, T18N, R4E</u>	<u>NW1/4 of the</u> <u>SE1/4, S33,</u> <u>T18N, R4E</u>	<u>Colfax</u>

and as shown on the attached map. In addition, the following variance and well permit conditions will apply:

The Lower Platte North NRD grants a one year time extension to the end of the year 2013 for the landowner and/or operator to irrigate the 40 new irrigated acres in the NW1/4 of the SE1/4, Section 33, T18N, R4E and/or install all necessary irrigation equipment needed to irrigate said field.

Remaining standard variance and well permit conditions as listed on these LPNNRD forms shall apply. Recommendation Carried.

- It was recommended (by Hilger) and seconded (by McDermott) to conditionally approve the following variance requests and issue these variances from the 2012 acre allocation:

<u>Variance</u>	<u>Landowner</u>	<u>Acres</u>	<u>Field Legal Description</u>	<u>Well Legal Description</u>	<u>County</u>
<u>LPN-V-012-0138</u> <u>Class 2</u>	<u>James &</u> <u>David</u> <u>Machlolan</u>	<u>16.5</u>	<u>Expansion - Portions of</u> <u>E1/2 of NE1/4, S32, T17N,</u> <u>R4E, and Portions in the</u> <u>SE1/4 of the NW1/4, S33,</u> <u>T17N, R4E</u>	<u>Existing well in</u> <u>NW1/4 of</u> <u>NW1/4, S33,</u> <u>T17N, R4E</u>	<u>Butler</u>
<u>LPN-V-012-0139</u> <u>Class 2</u>	<u>Dan Wachal</u>	<u>1</u>	<u>Expansion - SW1/4 of</u> <u>NE1/4, S10, T17N, R2E</u>	<u>Existing well in</u> <u>NW1/4 of SE1/4,</u> <u>S10, T17N, R2E</u>	<u>Colfax</u>
<u>LPN-V-012-0140</u> <u>Class 2</u>	<u>Taylor Farms</u>	<u>62.41</u>	<u>Expansion – Portions in</u> <u>N1/2 of NW1/4, S12 T17N,</u> <u>R7E and Portions in N1/2 of</u> <u>SW1/4, S12, T17N, R7E</u>	<u>New well in</u> <u>Center of</u> <u>NW1/4, S12,</u> <u>T17N, R7E</u>	<u>Dodge</u>
<u>LPN-V-012-0141</u> <u>Class 2</u>	<u>Zachary</u> <u>Taylor</u>	<u>71.69</u>	<u>Expansion – Portions in</u> <u>E1/2 of NE1/4, S12, T17N,</u> <u>R7E</u>	<u>New well in</u> <u>NE1/4 of the</u> <u>NE1/4, S12,</u> <u>T17N, R7E</u>	<u>Dodge</u>
<u>LPN-V-012-0142</u> <u>Class 3</u>	<u>Jay Johnson</u>	<u>140 – Expansion</u> <u>280 – Total</u>	<u>Expansion – SE1/4 of S16,</u> <u>T21N, R4W</u> <u>Existing – SW1/4 of S16,</u> <u>T21N, R4W</u>	<u>Existing well in</u> <u>NW1/4 of SE1/4,</u> <u>S16, T21N, R4W</u>	<u>Madison</u>
<u>LPN-V-012-0143</u> <u>Class 3</u>	<u>John J. Healy</u>	<u>108.91 –</u> <u>Expansion</u> <u>233.18 – Total</u>	<u>Expansion – Portions in</u> <u>NE1/4, S24, T17N, R3E and</u> <u>NW1/4 and NE1/4, S19,</u> <u>T17N, R4E</u>	<u>Existing well in</u> <u>NW1/4 of</u> <u>NE1/4, S24,</u> <u>T17N, R3E</u>	<u>Colfax</u>

			<u>Existing – Portions of NW1/4 and SW1/4, S19, T17N, R4E</u>		
<u>LPN-V-012-0144 Class 2</u>	<u>John Zwingman</u>	<u>130</u>	<u>Expansion – NE1/4, S6, T22N, R5W</u>	<u>New well in Center of NE1/4, S6, T22N, R5W</u>	<u>Boone</u>
<u>LPN-V-012-0145 Class 2</u>	<u>Jack Beller</u>	<u>80</u>	<u>Expansion – Portions of NE1/4, S17, T20N, R3W</u>	<u>New well in NE1/4 of NE1/4, S17, T20N, R3W</u>	<u>Platte</u>
<u>LPN-V-012-0146 Class 2</u>	<u>Jim Lamprecht</u>	<u>63</u>	<u>Expansion – Portions of S1/2 of SW1/4, S4, T15N, R8E</u>	<u>Existing well in Center of SW1/4, S4, T15N, R8E</u>	<u>Saunders</u>

and as shown on the attached maps. Recommendation Carried.*

2. Well Permit Program

a. Well Permits Approved

Since the last Committee meeting 6 permits have been approved for a total of 340 new irrigated acres (see attached map).

Landowner	Number of Wells	Number of New Irrigated Acres	Type of Well	County	Subarea
Jeff Mitties	1	70	Replacement Irrigation well (LDA) – Variance Approved for new acres	Dodge	North Bend
Arnold E. Stuthman	1	135	New Irrigation well & acres (NDA)	Colfax	Platte Center
Gordon Settles	1	0	New Irrigation well (LDA) – No New Irrigated Acres	Saunders	Todd Valley
Mueller Sod Farm Co.	1	135	New Irrigation well & acres (NDA)	Colfax	Shell Creek Uplands
Richard Weeder	1	0	New Irrigation well (LDA) – No New Irrigated Acres	Platte	Lower Newman Grove
Tim Bartek	1	0	New Irrigation well (RDA) – No New Irrigated Acres	Saunders	Yutan South

The total number of approved permits for 2011 is 78.

We often focus on the 2,500 new acres in the Limited Development area, but development has occurred in the Normal Development area as well.

New Irrigated Acres 2009 - 2011 (Well Permit and Variance Approved Irrigation Development)

Development Area	2009 Approved Acres	2010 Approved Acres	2011 Approved Acres	2012 Approved Acres
Normal Development Area	980.62	519.5	1,415.5	?
Limited Development Area	4,995.83		2,500.0	1,689.21 (as of Nov. 30, 2011)
Restricted Development Area	0 (120.9 acres approved (but with	0	0 (100 acres approved (without offset) but are	0

	offset acres) so total remains 0)		accounted for in the Limited Development Area because of overlap)	
Total	6,495.95		3,915.5	?

Over the entire District from 2009 through 2011, the LPNNRD is approving on average 3,470 new irrigated acres per year.

3. Voluntary Integrated Water Management Plan

No new updates. Next step is to develop a list of Stakeholders and coordinate this with Papiro NRD an LPSNRD.

4. Acre Allotment for 2013

DNR will return to annual review of ‘Fully Appropriated’ status of the Lower Platte Basin by the end of 2012. LPNNRD needs to:

- a). set acre allotment in the Limited Development (Hydrologically Connected) area for 2013, options can range from, no new acres (since developing Voluntary IMP) to 2,500 acres (or someplace in between), or even a higher number of acres.
- b). set acre allotment for the Normal Development area or leave as is with no limit.
- c). variance review process (first come – first serve vs. September deadline and ranking process).

LPNNRD will need to re-write its Ground Water Management Rules and Regulations to address these changes. The committee members suggested this as a topic for the Director’s Retreat on February 7, 2012.

5. Cost Share Programs

a. Irrigation Well Sample Kits

- Kits requested and mailed out: 2 in May; 92 in June; 129 in July; 111 in August; 16 in September, 0 in October, 16 in November, and 2 in December for a total of 368 kits.
- Kits returned: one from 2002; four from 2010; 351 for 2011 for a total of 356. All results have been sent to the producers. Approximately a dozen requested irrigation kits sent out in 2011 haven’t yet been returned.

b. Domestic Well Sample Kits

No requests received in December. Fifteen have been mailed out so far in 2011 and all of these have been used.

c. NAWMDN Water Mark sensors and ET gauges

No new update. This program is designed to show producers new technology that can lead to savings both on irrigation water and fuel costs for well pumping. Extension is making arrangements for two classes to both advertise to new area producers and hear presentations from past cooperators already in the program. The year 2012 will be the last year of our three year agreement with the University.

d. Cost Share from 319 Grant for Phase 2 Ground Water Management Area

No new update.

6. LPNNRD Certification Classes

Three Take Home Test packets were sent out in December. Four tests were returned in December (one mailed out in November).

Cert#	Cert date	Name	Re-Cert	Comments
5067	12/2/2011	Marc Buckminster	New	Variance
5068	12/6/2011	Arnold Stuthman	New	Well permit
5069	12/9/2011	Richard Weeder	New	Well permit
5070	12/20/2011	Bill L Micek	New	

Ten classes have been scheduled for 2012. The first class was held the day after the Committee meeting in Fremont following the Corn Expo.

Class	Date & time	Location
# 1	Thursday, January 5th @ 3:00 p.m. (after Corn Expo)	Fremont - Christensen Field
# 2	Friday, January 27th @ 1:00 p.m.	ARDC – Mead
# 3	Monday, January 30th @ 1:00 p.m.	Columbus - Ag Park
# 4	Thursday, February 2nd @ 1:30 p.m.	David City - Hruska Library
# 5	Monday, February 6th @ 1:00 p.m.	Lindsay - Village Office
# 6	Friday, February 24th @ 9:00 a.m.	Fremont - Extension Office
# 7	Friday, February 24th @ 2:00 p.m.	Schuyler - St Benedict Center
# 8	Monday, March 19th @ 9:30 a.m.	David City - Hruska Library
# 9	Thursday, March 22nd @ 7:00 p.m.	ARDC – Mead
#10	Thursday, March 29th @ 7:00 p.m.	Columbus - Ag Park
		Total of 10 classes

7. Bellwood Phase 2 Area

The year 2011 is the ninth year of this Phase 2 Area. Two new water sample results since last Committee meeting and both were < 6 ppm.

Nitrate-Nitrogen results taken by landowners from Bellwood Phase 2 irrigation wells for 2011.

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
2004	0 to 25 ppm	46.3% (44 of 95)	8.4% (8 of 95)	45.3% (43 of 95)
2005	0 to 25 ppm	47% (44 of 94)	15% (14 of 94)	38% (36 of 94)
2006	0 to 24 ppm	41% (29 of 71)	14% (10 of 71)	45% (32 of 71)
2007	0 to 31 ppm	48% (48 of 100)	9% (9 of 100)	43% (43 of 100)

2008	0 to 28 ppm	53.75% (43 of 80)	7.5% (6 of 80)	38.75% (31 of 80)
2009	0 to 22 ppm	45.5% (41 of 90)	15.5% (14 of 90)	39% (35 of 90)
2010	0 to 35.7 ppm	48.65% (54 of 111)	11.71% (13 of 111)	39.64% (44 of 111)
➔2011	0 to 26.6 ppm	54% (53 of 99)	6% (6 of 99)	40% (40 of 99)

December 31, 2011 was the deadline to submit the Annual Fertilizer Application Reports for the 2011 crop year. Oaklund said 178 fertilizer reports have been received out of an expected total of 218 reports (~14,500 acres) or 82%. Of the 178 reports, 113 have already been reviewed.

Board Policy on Phase 2 Area Fertilizer Reports

December 31 st	Fertilizer Reports due
January 10 th	For reports not received, landowners or tenants sent certified letter giving them until next Water Comm. to submit those reports.
Water Comm. for Feb. Board meeting	For reports not received, landowners or tenants attend February Board meeting and submit reports.
February Board meeting	Reports not received by Board meeting can be issued Cease and Desist orders.

8. Richland - Schuyler Phase 2 Area

The year 2011 is the eighth year of this Phase 2 Area. A total of 21 new sample results were received in December and the breakdown was:

Nitrate-nitrogen 0 to 8.0 ppm	Nitrate-nitrogen 8.01 to 10.00 ppm	Nitrate-nitrogen greater than 10 ppm
7	2	12

Nitrate-Nitrogen results taken by landowners from Richland - Schuyler Phase 2 irrigation wells for 2011:

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
2004	0 to 47 ppm	30% (42 of 139)	10% (14 of 139)	60% (83 of 139)
2005	0 to 120 ppm	31.3% (74 of 236)	10.2% (24 of 236)	58.5% (138 of 236)
2006	0 to 53 ppm	28% (50 of 181)	14% (26 of 181)	58% (105 of 181)
2007	0 to 99 ppm	32% (75 of 231)	10% (22 of 231)	58% (134 of 227)
2008	0 to 46 ppm	28% (53 of 190)	12% (23 of 190)	60% (114 of 190)
2009	0 to 57 ppm	33% (72 of 216)	6% (13 of 216)	61% (131 of 216)
2010	0 to 57.5 ppm	31% (70 of 229)	7% (15 of 229)	62% (142 of 229)
➔2011	0 to 65.8 ppm	28% (67 of 238)	9% (21 of 238)	63% (150 of 238)

December 31, 2011 was the deadline to submit the Annual Fertilizer Application Reports for the 2011

crop year. Oaklund said 340 fertilizer reports have been received out of an expected total of 433 reports (~24,600 acres) or 78%. Of the 340 reports, 53 have already been reviewed. Committee members discussed the continued rise of nitrate-nitrogen concentration in the Richland-Schuyler area and suggested the use of demonstration plots as a further educational tool.

9. Certifying Acres

Staff met on December 16th to review the process of certifying acres within the District. Some modifications will include focusing on one County at a time, requiring a quicker turnaround time from producers and the issuance of cease and desist orders (see attached flow chart and Madison County map for certifying acres). Madison will be the first County.

County	Number of Tracks	Number sent out	Number working on	Number completed	Percent completed
Madison	47	47	40	7	15%
Boone		193			
Butler		633			
Platte		1,139			
Colfax		776			

To date 159 records completed and filed, this includes the 7 done for Madison County in the above table.

B. CHEMIGATION

Eight permits lapsed at the end of 2011 so the total number of active chemigation permits for 2011 is 371.

The breakdown by county for the 304 renewal permits for 2011 are listed below. First number is the total number of renewal permits in that county and the second number is the number of chemigation systems that were inspected in 2011. A total of 146 systems were renewal inspections for 2011.

Butler	35 (17)	Colfax	14 (11)	Saunders	104 (61)
Platte	60 (26)	Dodge	46 (13)	Madison	6 (6)
Boone	39 (12)				

The breakdown by county for the 67 new permit applications are listed below.

Butler	5	Colfax	9	Saunders	18
Platte	18	Dodge	17	Madison	0
Boone	0				

C. LIVESTOCK WASTE PERMITS

No new livestock permit applications from DEQ since the last Committee meeting.

2. GROUND WATER PROGRAMS

A. DECOMMISSIONED WELL PROGRAM

1. Well Estimates

Gottschalk has reviewed the new well estimate, did the pre-plug inspection and approved the cost

share estimate for four wells:

Well Owner	Type of Well	Cost Share Estimate	County
Mike Wolf	Irrigation	\$907.76	Boone
Mark Hines	Irrigation	\$569.18	Dodge
Michael Kubik x 2	Domestic / Hand Dug	\$1,204.50	Saunders
Total		\$2,681.44	

2. Plugged Wells

There are two wells that have been plugged and are ready for cost share payment approval this month. It was recommended (by McDermott) and seconded (by Pollard) to approve cost share payment to decommission the irrigation well for Dan Lutjens for a total of \$686.66 and to decommission the domestic well for Charles Dake for \$328.73. Recommendation Carried.*

B. LOWER PLATTE NORTH NRD GROUND WATER STUDIES

1. LPNNRD Platte River Ground Water Model

Final invoice for this project has been received: #2662380332-18, for \$7,904.36. (see attached invoice). Dr. Chen anticipates e-mailing the draft report to LPNNRD on Friday. It was recommended (by Johannes) and seconded (by Pollard) to approve payment of \$7,904.36 to the University of Nebraska – Lincoln for the Platte River Ground Water modeling work. Recommendation Carried.

2. Elkhorn Loup Model (ELM)

No new update.

3. Eastern Nebraska Water Resources Assessment (ENWRA)

Dana Divine is trying to schedule a Managers Meeting to discuss the position of the Project Coordinator for ENWRA. Dana will be leaving her position to take a permanent job at CSD starting on February 6, 2012. The next technical committee meeting is planned during the NARD Legislative Conference for Tuesday January 24, 2012.

4. Eastern Nebraska HEM Aquifer Mapping (Swedeburg Subarea)

Since the Environmental Trust reduced their contribution to our grant request back in 2009, it was felt that the full study should go forward and the decision to ground truth the data could be made later. Dana Divine estimates that the cost to have C&SD ground truth the HEM data to the recent test holes that have been drilled to be \$10,000. Staff feels this is important to use the best data possible to make management decisions. LPSNRD has agreed to pay \$20,000 to have data analyzed for their District. It was recommended (by McDermott) and seconded (by Johannes) to approve work with UNL to ground truth the Swedeburg HEM data using the test hole and well log information at a cost of \$10,000 with the work to be performed by UNL-CSD. Recommendation carried.

C. FORMER ORDNANCE PLANT NEAR MEAD

- Kristine Stein of the COE reports that the decision to drop the pressure of the cleanup water in the discharge line to Wahoo Creek is final. This is due to the problems it is causing in the LL4 treatment plant. In addition, she reports that the COE is looking into injection wells to possibly use the

cleanup water to assist in further cleanup of the aquifer and shorten the time required for remediation. Angle sent letters to Stan Keiser, Steve Frahm, Mark Schroeder (ARDC) and Steve Hansen (potential new user) about this reduced pressure and these new developments. This will likely affect the future beneficial use of this cleanup water for irrigation.

- The next Public Availability Meeting is set for January 18, 2012 from 4:00 pm to 8:00 pm at the Yutan VFW hall.

3. OTHER

A. NEBRASKA PRODUCER CROP YIELD & MANAGEMENT DATA COLLECTION EFFORT

Dr. James Specht of the University of Nebraska made a request to partner with us on a project which works with producers to maximize yields by analyzing crop inputs such as fertilizer, irrigation, seed rates, chemical usage along with other factors. A similar program was conducted in the Tri-Basin NRD with great success. The only input from LPNNRD is a list of the names and addresses of producers we work with. We do not normally give out personal information such as this, but since we would be a partner with UNL and offering a service to our producers, staff feels this would be a positive program for us to be involved in (see attached information). It was recommended (by Johannes) and seconded (by Hilger) that Lower Platte North NRD partner with UNL on the Nebraska Producer Crop Yield & Management Data Collection Effort. Recommendation Carried.*

B. COMMENTS FROM THE PUBLIC

- Brian and Francis Osantowski answered questions about their class 3 variance request on hilly class 7e soils.
- Clay Jedlicka addressed the Committee on his request for a time extension to his variance request.
- Kenny Pestal and Joe Houska expressed their interest in obtaining water for new irrigated acres in the Swedeburg subarea, which is a restricted development area.

With no further business, the Water Committee adjourned at 7:00 p.m.

Larry Angle - Water Resources Manager
Curt Becker - Water Resources Specialist
Eric Gottschalk - Projects Coordinator
Russell Oaklund - Lead Water Resources Specialist
Chris Poole – GIS Specialist
Karen Rezac – Receptionist
Mike Sousek – Rural Water Manager

List of Attachments

- Variance Spreadsheet
- Variance District map
- Variance Maps for Individual Producers
- Osantowski soils map
- Permit Map
- Certifying acres flow chart
- Certifying acres map for Madison County
- UNL invoice for Platte River GW model
- Nebraska Producer Crop Yield information