

**UPPER ELKHORN NATURAL RESOURCES DISTRICT**  
**Groundwater Management Plan Rules and Regulations**  
**Rule 23 - Transfers Public Hearing**  
**September 26, 2019-- 5:00 P.M.**  
**Upper Elkhorn NRD ~ O'Neill, Nebraska**

**CALL TO ORDER, STATEMENT OF ADVERTISEMENT AND OPEN MEETING LAW NOTIFICATION:**

The Public Hearing of the Upper Elkhorn NRD for the proposed changes to the Groundwater Management Plan Rules and Regulations for Rule 23 - Transfers was called to order. The statement of advertisement and the open meetings law were all noted at 5:05 P.M. by Chairman Michael Moser.

**DIRECTORS PRESENT:**

Kevin Blair	Mark Carpenter	Marv Fritz (arr. 5:10)	Curtis Gotschall (arr 5:14)
Ted Hughes	Keith Heithoff	Jim Keller	Gene Kelly
Michael Moser	Roy Stewart		

**DIRECTORS ABSENT:**

Gary Bartak	Chris Dierks	Aaron Rice	John Vogel	Chip Whitaker
-------------	--------------	------------	------------	---------------

**STAFF PRESENT:**

Joslynn VanDerslice, Water Resources Manager  
Beth Walsh, Information & Education/Chemigation Coordinator  
Wayne Frederick, Water Resources Technician  
Brett Sholes, Agronomy Resource Technician

**GUESTS PRESENT:**

LeRoy Behnk – Elgin, NE

**AGENDA:**

⇒ It was moved by Jim Keller and seconded by Ted Hughes to adopt the agenda. **AYE:** Blair, Carpenter, Heithoff, Hughes, Kelly, Keller, Moser & Stewart. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Fritz, Gotschall, Bartak, Dierks, Rice, Vogel, Whitaker. **MOTION CARRIED.**

**OPEN PUBLIC HEARING:**

⇒ It was moved by Gene Kelly and seconded by Ted Hughes to open the public hearing regarding the proposed changes to Rule 23 of the UENRD Groundwater Management Plan at 5:09 PM. **AYE:** Blair, Carpenter, Heithoff, Hughes, Kelly, Keller, Moser & Stewart. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Fritz, Gotschall, Bartak, Dierks, Rice, Vogel, Whitaker. **MOTION CARRIED.**

Marv Fritz arrived at 5:10 PM; and, Curtis Gotschall arrived at 5:14 PM

Public Hearing Officer Michael Moser noted the Notices of Publication for the hearing in the Atkinson Graphic, Elgin Review, Holt County Independent, Antelope County News and Rock County Leader; and, reviewed the proposed changes to Rule 23 - Transfers of the UENRD Groundwater Management Plan.

**ENTERING OF EXHIBITS:**

Joslynn VanDerslice, UENRD Water Resources Manager, entered the exhibits regarding Rule 23 - Transfers into the record.

### **TESTIMONY ON RULE 23 - Transfers:**

Supporting Testimony:

- None

Opposing Testimony:

- LeRoy Behnk, Elgin, testified in opposition of number 4 as posted in the local newspapers. The proposed amendments authorize the legal description receiving acres must have an equal to or higher area weighted average of each land classification than the legal description where the acres are being transferred from (found using USDA Web Soil Survey). It was stated that this may prevent a transfer because of the way the weighted average is calculated.

Neutral Testimony:

- None

### **CLOSING OF PUBLIC HEARING:**

⇒ It was moved by Ted Hughes and seconded by Curtis Gotschall to close the public hearing regarding the proposed changes to Rule 23 of the UENRD Groundwater Management Plan at 5:24 PM. **AYE:** Blair, Carpenter, Fritz, Gotschall, Heithoff, Hughes, Kelly, Keller, Moser & Stewart. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Dierks, Rice, Vogel, Whitaker. **MOTION CARRIED.**

### **BOARD ACTION ON RULE 23 – TRANSFERS:**

⇒ It was moved by Mark Carpenter and seconded by Jim Keller to adopt the proposed changes to the UENRD Groundwater Management Plan Rules and Regulations to implement the UENRD Groundwater Management Plan and issue an Order adopting the same. **AYE:** Blair, Carpenter, Fritz, Gotschall, Heithoff, Hughes, Kelly, Keller, Moser & Stewart. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Dierks, Rice, Vogel, Whitaker. **MOTION CARRIED.** Discussion was held by the Directors regarding the way the weighted averages are calculated for the land classifications. ⇒ It was moved by Mark Carpenter and seconded by Curtis Gotschall to adopt an Order and properly advertise. **AYE:** Blair, Carpenter, Fritz, Gotschall, Heithoff, Hughes, Kelly, Keller, Moser & Stewart. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Dierks, Rice, Vogel, Whitaker. **MOTION CARRIED.**

### **ADJOURNMENT:**

⇒ It was moved by Jim Keller and seconded by Keith Heithoff to adjourn at 5:36 PM. **AYE:** Blair, Carpenter, Fritz, Gotschall, Heithoff, Hughes, Kelly, Keller, Moser & Stewart. **NAY:** None. **ABSTAIN:** None. **ABSENT:** Bartak, Dierks, Rice, Vogel, Whitaker. **MOTION CARRIED.**

I, the undersigned Secretary of the Upper Elkhorn Natural Resources District hereby certify that: the foregoing is a true and correct copy of the proceedings had and done by the Board of Directors on September 26, 2019; that all of the subjects included in the foregoing proceedings were contained in the agenda for at least twenty-four hours prior to said meeting; the minutes of the Chairman and the Board were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; and, that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Gene Kelly, Secretary/Treasurer