

**MINUTES OF
LOWER ELKHORN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS**

Certification of Acres Hearing

7:30 p.m., Thursday, April 26, 2018

Lifelong Learning Center

601 East Benjamin, Norfolk, Nebraska

The Board of Directors Meeting of the Lower Elkhorn Natural Resources District was called to order by Chairman Dennis Schultz on Thursday, April 26, 2018 at the Lifelong Learning Center, 601 East Benjamin, Norfolk, Nebraska. Chairman Schultz informed the Board and those attending of the Publication of Meeting Notice in the Norfolk Daily News on April 18, 2018 and the Nebraska Open Meetings Act information posted at the entrance to the room.

Chairman Dennis Schultz gave a brief description of the District’s hearing rules for the public, staff and Board: the complete hearing rules were posted on the district website and copies of a summary of those rules was made available to anyone present at the meeting; any member of the public would be given the opportunity to appear in person or through their agent and could present any supporting witnesses, evidence, or statements in support of their position; the Chairman would allow the property owner 10 minutes to testify, followed by 5 minutes for each member of the public, followed by testimony from the District staff, concluded with 5 minutes for rebuttal testimony; once an individual hearing had been closed, neither the public nor the staff could present additional information unless requested by the board; discourteous conduct, disorderly conduct, as well as highly repetitious testimony would not be allowed in the hearings; and anyone wishing to contest the staff’s preliminary determination of the number of certified irrigated acres for a parcel must indicate their desire to do so by writing the unique parcel ID number for the land they wish to contest on the sign-up sheet.

Motion was made by Hansen and seconded by Barr *to open all public hearings on the agenda*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Janke, Kathol, Korth, McHenry, Noonan, Steffen, Schultz. Nay: None. Abstain: Loftis. Absent: Huntley, Krueger. Motion Carried.

Chairman Schultz accepted into the record Exhibit number 1, the District’s Hearing Rules of Procedure; Exhibit number 2, the District’s Groundwater Management Area Rules and Regulations; Exhibit number 3, the Public Hearing Notice; and Exhibit number 4, the list of parcels (the “Unique Parcel ID Spreadsheet” prepared by District staff) subject to public hearing.

Chairman Schultz asked the staff if any requests for continuance were received. GIS Specialist Mike Murphy answered that there was one. Notice of this reopening was provided to the landowner George D. Schluter and operator Larry Beiermann in a letter dated April 9, 2018. Motion was made by Hansen and seconded by Barr *to reopen the continuance from February 22, 2018 Certification Hearing for parcel 710062447 / Unique ID 550420*. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Janke, Kathol, Korth, Loftis, McHenry Noonan, Steffen, Schultz. Nay: None. Absent: Huntley, Krueger. Motion Carried.

Mr. Murphy presented into the record Exhibit number 1, a letter received from the operator Larry Beiermann.

OWNER NAME	UNIQUE ID	PID (PARCEL)	CERTIFICATION ID	PRELIMINARY CERTIFIED FIELDS		
				GROUNDWATER	SURFACEWATER	WASTEWATER
SCHLUTER/GEORGE D	550420	710062447	2001W12-001	64.91	0.00	0.00

A motion was made by Korth and seconded by Loftis to make a final determination and approve the preliminary determinations for Unique Parcel ID number 550420. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Janke, Kathol, Korth, Loftis, McHenry Noonan, Steffen, Schultz. Nay: None. Absent: Huntley, Krueger. Motion Carried.

Chairman Schultz opened a public hearing for the remaining 11 properties that were non-continued, non-contested, and non-conflict of interest (a list of the properties is attached to these minutes) and asked if anyone from the public, staff or Board wished to testify regarding any of these properties.

A motion was made by McHenry and seconded by Janke to make a final determination and approve the preliminary determinations for the 11 properties that remained on the District's list of properties to consider at public hearing on April 26, 2018 that were not continued, contested or did not have a conflict of interest (the list of properties is attached to these minutes). Aye: Allemann, Barr, Gustafson, Hall, Hansen, Janke, Kathol, Korth, Loftis, McHenry Noonan, Steffen, Schultz. Nay: None. Absent: Huntley, Krueger. Motion Carried.

Motion was made by Hansen and seconded by Barr to close the Public Hearing. Aye: Allemann, Barr, Gustafson, Hall, Hansen, Janke, Kathol, Korth, Loftis, McHenry Noonan, Steffen, Schultz. Nay: None. Absent: Huntley, Krueger. Motion Carried.

I, the undersigned Secretary of the Lower 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 April 26, 2018 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, that all news media requesting notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Mark Hall, Secretary