



LOWER PLATTE SOUTH natural resources district

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SPECIAL BOARD OF DIRECTORS' MEETING June 29, 2021

The Board of Directors of the Lower Platte South Natural Resources District met virtually via video / teleconference and in-person at the Lower Platte South NRD Office on Tuesday, June 29, 2021 at 5:30 p.m. Directors participating were Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum. Eagan called the meeting to order at 5:30 p.m.

Eagan welcomed those in attendance, and the pledge of allegiance was recited. Chair Eagan recognized Larry Ruth for serving as Chair in 2019 & 2020. She then noted that the public meetings law is posted in the NRD office and on the NRD Website. She requested all cell phones be put on silent mode. She reminded everyone an audio recording of the meeting will be on the NRD website. Eagan requested anyone wishing to speak on an agenda item to give their name and which agenda item they wished to speak on. An opportunity for public present to speak to non-agenda items was given. No one wished to speak on non-agenda items.

ITEM 1. ROLL CALL OF DIRECTORS.

19 Directors were present upon roll call.

ITEM 2. PUBLICATION OF LEGAL NOTICE OF MEETING

Eagan reported that the legal notice for the Directors' Meeting was published in the Lincoln Journal Star on June 18, 2021.

ITEM 3. ADOPT AGENDA

It was moved by Barrett and seconded by Yoakum to adopt the Agenda. The motion was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Schutz

ITEM 4. REPORT OF THE WATER RESOURCES SUBCOMMITTEE AND CONSIDERATION OF RECOMMENDATIONS

Ruth stated that the Water Resources Subcommittee met on June 22, 2021.

Paul Zillig, General Manager, Dick Ehrman, LPSNRD Water Resources Specialist; Dan Schulz, LPSNRD Resources Coordinator, Corey Wasserburger, LPSNRD General Counsel; Amy Ostermeyer, Monolith, Don Blankenau, attorney representing Monolith, and Jill Colbe, landowner in LPSNRD, addressed the Board and answered questions of the Board.

Ruth moved the Water Resources Subcommittee's recommendation that the Board of Directors approve Monolith Well Permit Applications for Olive Creek 2 (OC2) Wells #1, #2 and #3 near Hallam, NE including the proposed well permit conditions.

It was moved by Ruth and seconded by Vogel by to amend the motion to add "and also conditioned upon Monolith, or its successor(s) in interest, maintaining control over the land upon which the wells are located" after the word "conditions" in the original motion.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Schutz

It was moved by Ruth and seconded by Stevens to further amend the motion to add "and also that the Lower Platte South NRD has Rules and Regulations for the Nebraska Ground Water Management and Protection Act and the LPSNRD does not find any condition set forth in Section C, Rules 3(a) of those Rules, including detrimental effect to the aquifer and/or adverse effect on nearby wells, and accordingly Rule 3(a) requires that the application "shall be granted" after the word "located" in the first amendment to the motion.

AYE: Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens and Vogel

NAY: Aldridge

NOT PRESENT: Jacobson, Schutz and Yoakum

The Board then voted on the amended motion to approve Monolith Well Permit Applications for Olive Creek 2 (OC2) Well #1, #2 and #3 near Hallam, NE including the proposed well permit conditions, which approval is also conditioned upon Monolith, or its successor(s) in interest, maintaining control over the land upon which the wells are located, and which approval is based on the Lower Platte South NRD Rules and Regulations under the Nebraska Ground Water Management and Protection Act and the fact that the LPSNRD does not find any condition set forth in Section C, Rules 3(a) of those Rules, including detrimental effect to the aquifer and/or adverse effect on nearby wells, and accordingly Rule 3(a) requires that the application "shall be granted" was approved.

AYE: Aldridge, Andersen, Barrett, Eagan, Green, Hellerich, B. Johnson, C. Johnson, Lamberty, Landis, Lewis, Nolte, Peterson, Ruth, Seacrest, Spangler, Stevens, Vogel and Yoakum

NAY: None

NOT PRESENT: Jacobson and Schutz

There being no other business, the meeting was adjourned at 6:54 p.m. The undersigned, the duly elected and acting Secretary of the Lower Platte South Natural Resources District (the "District"), hereby certifies that the foregoing is a true and correct copy of the minutes of the meeting of the Board of Directors of the District held on June 29, 2021, that all of the matters and subjects discussed at the meeting were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the principal office of the District during normal business hours, and except for items of an emergency nature, the agenda was not altered later than twenty-four (24) hours before the scheduled commencement of the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the above minutes were in written form and available for public inspection within

ten working days or prior to the next convened meeting, whichever occurred earlier; and, that reasonable efforts were made to provide all news media requesting notification of the meeting and of the time and place of said meeting and the subjects to be discussed at said meeting.

Chelsea Johnson, Secretary

/dr