



## Memorandum

**Date:** November 15, 2024  
**To:** Water Resources Subcommittee  
**From:** Dick Ehrman, Water Resources Coordinator  
**Subject:** Water Resources Subcommittee Meeting Minutes – November, 2024

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The Water Resources Subcommittee met on November 14, 2024 at 5:30 PM. Subcommittee members present included Susan Seacrest (Chair), Bob Andersen, Melissa Baker, Deb Eagan, Gary Hellerich, Luke Petersen, Larry Ruth, and Mark Spangler. Other Board members present included Don Jacobson and John Yoakum. NRD staff present included Mike Sousek, David Potter, Maclane Scott, and myself. In addition, Doug Holle from Schemmer Associates was in attendance. Director Seacrest called the meeting to order at 5:30 PM, and a quorum was present for the meeting.

### **A. Consideration of the Nitrogen Reduction Incentive Act Program (ACTION)**

Dick Ehrman provided a review of the Nitrogen Reduction Incentive Act (NRIA), which was enacted by the Legislature in the 2024 session. NRIA provided \$1 million to the Nebraska Department of Natural Resources (NeDNR), to be passed through to the NRDs in order to promote the reduction of nitrogen applications to farm land in order to protect ground water quality. The NRDs were provided with target funding amounts according to such factors as crop land acreage, amount of irrigation, etc., and as a result of that formula, LPSNRD was allotted \$26,089.64. The program is constructed so that NRDs will provide cost-share to participants, and then be reimbursed by NeDNR. In other words, there is no direct cost to the NRD for this effort. NRDs have developed priority areas for providing this funding; LPSNRD's priorities include Community Water Supply Protection Areas (CWSPAs), Phase 2 and 3 management areas, and irrigated land in the District.

Discussion centered around how baseline nitrogen applications for farmers would be determined. The NRD will accept any documentation farmers can provide as to how much nitrogen they've applied, and the target reduction of 40 lbs . of nitrogen per acre or 15% reduction will be based on that information. The question of enforcement and monitoring was also discussed; since this is a first-year project with modest funding, and future funding is not guaranteed, it is anticipated that NRD staff will work with participants to ensure that the target reductions are achieved on a case-by-case basis. Mike Sousek also noted that this effort is designed to promote new and developing technologies in precision agriculture, and also revision of the UNL nitrogen formula.

**It was moved by Eagan, seconded by Baker, and approved 8-0 by the Subcommittee to recommend that the Board of Directors approve the Nitrogen Reduction Incentive Act Cost-Share Program.**

### **B. Consideration of the Lower Platte River Consortium Interlocal Cooperative Agreement Amendment (ACTION)**

Ehrman provided a brief background of the Lower Platte River Consortium, which was established in 2016 via an Interlocal Cooperative Agreement (ILCA) with the Lower Platte South, Lower Platte North and Pappio-Missouri River NRDs, Lincoln Water System, (LWS), Metropolitan Utilities

District (MUD), and the Nebraska Department of Natural Resources (NeDNR). The general purpose of the Consortium is to study the long-term water supplies available to the Lower Platte River sub-basin to enhance stream flows and aquifer storage to support the availability of water during times of drought. The Consortium cooperated to develop a Drought Contingency Plan for the sub-basin, which was approved by all members in 2019, and has been operating via the ILCA, which has been reauthorized on an annual basis since that time. The Plan is undergoing revision at the present time.

In recent meetings, Consortium representatives have expressed the desire to extend the length of the ILCA to avoid the necessity of re-authorizing the Agreement on an annual basis. In addition, although the approved name of the organization is the “Lower Platte River Consortium,” most involved entities have informally referred to it as the “Drought Consortium,” since the most important purpose of the organization has been to deal with drought conditions and circumstances in the Lower Platte River sub-basin. Therefore, it is proposed to formally change the title of the Agreement from “Lower Platte River Consortium” to “Lower Platte River Drought Consortium.”

**It was moved by Baker, seconded by Hellerich, and approved 8-0 that the Board of Directors approve the General Manager to sign the Second Amendment of the Lower Platte River Consortium Interlocal Cooperation Agreement, extending the Agreement for a five-year period through December 4, 2029, and changing the title of the Consortium to the “Lower Platte River Drought Consortium.”**

**C. Consideration of Bids for the Construction of the Piening Water Quality Basin (ACTION)**

David Potter overviewed the design completed by Schemmer Associates for the Piening Water Quality Basin. The design, permits, and easements are now complete, and the bids for construction were opened on November 6. Four bids were received, and the low bid was from Tim Sisco Construction LLC for \$428,153.85. Schemmer has recommended acceptance of the bid from Tim Sisco Construction, which has successfully completed projects for LPSNRD in the past. With the recent moisture, it is anticipated that construction activities can begin in January 2025.

**It was moved by Andersen, seconded by Hellerich, and approved 8-0 that the Board of Directors accept the low bid from Tim Sisco Construction for \$428,153.85 for the construction of the Piening Water Quality Basin.**

There being no further business, the meeting adjourned at 6:13 PM.

Enclosures

cc: Dave Landis  
Corey Wasserburger



## LOWER PLATTE SOUTH natural resources district

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### Nitrogen Reduction Incentive Act (NiRIA)

Lower Platte South NRD (LPSNRD) and Nebraska Department of Natural Resources (NeDNR) are partnering to offer a new cost-share program to further assist producers in adopting practices or products that encourage a reduction of applied nitrogen fertilizer. The requirements of NiRIA are that producers verify a reduction in nitrogen fertilizer application rates as the lesser of 40 pounds per acre or 15% of their baseline application rate. Examples of practices and products that are known to reduce nitrogen fertilizer application rates are located on the NiRIA application form. Eligible fields include those which will be planted to corn in 2025.

The following priority areas have been established by LPSNRD for funding through the NiRIA as provided by LB1368 which was passed by the Legislature and signed into law in April 2024. NiRIA will be open for the 2025 growing season and is scheduled to terminate on December 31, 2029. Total funding available for the program is capped at \$1 million. The \$1 million will be split accordingly among Nebraska NRDs based upon existing priority areas. The current allotment set aside for LPSNRD is \$26,089.64.

**Priority A** areas include fields that are located within an LPSNRD designated Wellhead Protection Area/Community Water System Protection Area or any Phase II/III Ground Water Management Area of LPSNRD. Payment rates for priority A areas will be **\$15/acre**.

**Priority B** areas include LPSNRD certified irrigated acres that do not lie within a designated Wellhead Protection Area/Community Water System Protection Area or any Phase II/III Ground Water Management Area of LPSNRD. Payment rates for priority B areas will be **\$12/acre**.

**Priority C** areas include the dryland crop ground acres that do not lie within a designated Wellhead Protection Area/Community Water System Protection Area or any Phase II/III Ground Water Management Area of LPSNRD. Payment rates for priority C areas will be **\$10/acre**.

Applications will be accepted chronologically based on the date submitted. The application due date is January 15, 2025.

To receive payment, landowners must submit all documentation by January 15, 2026. This includes records of nitrogen sources applied to the field, the method used for nitrogen reduction, reported yield, and relevant documentation of advanced technology practices, if applicable.

## **Application Process**

To apply, landowners must submit a completed application by January 15, 2025, that includes:

1. Completed Nitrogen Reduction Incentive Act Program Application that includes the method used to achieve nitrogen reduction.
2. Documentation of previous baseline nitrogen application rates and sources of nitrogen fertilizer for the applied field.
3. Soil test for the applied field. LPSNRD has soil sampling cost-share available. The LPSNRD soil sampling method includes the collection of one soil sample for each field ranging from 10 and 40 acres, or each 40-acre area within a larger field. Soil samples for each 40 acres must include at least the following minimum components:
  - a. One shallow composite sample consisting of 10-15 individual samples, randomly collected from a depth of 0-8 inches and mixed together.
  - b. One deep composite sample consisting of 6-8 individual samples, randomly collected from a depth of 8-30 inches and mixed together.
  - c. Analysis can include a full set of tests for the shallow sample and only nitrate testing for the deep sample.
  - d. Cooperators must provide an aerial photo of each sampled farm/field, indicating which fields were sampled, who collected the soil samples, and a lab copy of the results.
4. U.S. Citizenship and W-9 Forms.

## **Payment Process**

Landowners must submit the following information by January 15, 2026, to receive payment:

1. Documentation of all nitrogen fertilizer sources applied to the field.
2. Method, practices, or products that were implemented for nitrogen reduction.
3. Reported yield for the field where nitrogen was applied.
4. Documentation of advanced technology practices used for nitrogen reduction, if applicable.
5. Soil sampling results.
6. Manure sampling results, if applicable, along with biosolid application information, if relevant.

## Nitrogen Reduction Incentive Act

### Background

LB 1368 (2024) established the Nitrogen Reduction Incentive Act (NiRIA), Neb. Rev. Stat. §§ 2-411 to 2-417, a state program to provide incentives to producers for reducing the use of commercial fertilizers. The requirements of NiRIA are that producers verify a reduction in nitrogen fertilizer application rates as the lesser of 40 pounds per acre or 15% of their baseline application rate.

The Department of Natural Resources (Department) in partnership with local Natural Resources Districts (NRDs) and input from producers and commercial entities have developed this guidance document to define target areas and criteria for this new program. This guidance document will be reviewed annually to determine if program modifications are necessary.

NiRIA will be operative beginning with the 2025 growing season and is scheduled to terminate on December 31, 2029. Total funding currently available for the program is capped at \$1 million.

### Priority Areas and Incentive Payments

The Department and NRDs have determined the program will operate under three priority areas (Figure 1) and **will be offered to corn, sugar beet, and potato producers**. **Priority A Area** will be wellhead protection areas and phase II, or higher phase areas established by an NRD, for purposes of water quality management. **Priority B Area** will be areas throughout the state that have been certified to irrigate crops. **Priority C Areas** will be all other areas of the state, including dryland. **Contact your local NRD to know which Priority Area you are in.** *Figure 1 data is supplied by NeDNR permitted irrigated lands, wellhead protection areas, and NRD phase areas as of June 28, 2024.*

**Priority A Areas:** Priority A Areas represent areas of elevated nitrate levels with enhanced management including wellhead protection areas and irrigated lands in phase II or higher areas. Most of these areas currently require establishment of a producer's baseline information and data reporting to NRDs, including nitrogen application rates. NRD crop report data will be used to establish baseline nitrogen application rates for producers in these areas.

Incentive payments in Priority A Areas will be set at \$15 per acre for producers that can demonstrate a reduction in nitrogen fertilizer application rates of the lesser of 40 pounds per acre or 15% of their baseline application rate. **Under no circumstance can**

**other nitrogen sources (manure, wastewater, etc.) replace the reduced commercial fertilizer.**

**Priority B Areas:** Priority B Areas represent areas that are not in the Priority A Areas and have acres that are certified to irrigate. To be eligible for participation in NiRIA, producers in Priority B Areas will be required to establish a baseline level of nitrogen application, as established by the NRD, through one or both of the options outlined below.

Option One: Submit all the reporting data required on local NRD phase II or greater locations for the prior 3 growing seasons,

or

Option Two: Complete soil sampling, as established by the NRD, prior to the cropping season for which the incentive payment is requested.

Incentive payments in Priority B Areas will be set at \$12 per acre for producers that can demonstrate a reduction in nitrogen fertilizer application rates of the lesser of 40 pounds per acre or 15% of their baseline application rate. **Under no circumstance can other nitrogen sources (manure, wastewater, etc.) replace the reduced commercial fertilizer.**

**Priority C Areas:** Priority C Areas encompass all other areas of the state not captured in Priority A or B Area designations. To be eligible for participation in NiRIA producers in these areas will be required to establish a baseline level of nitrogen application, as established by the NRD, through one, or both, of options unlined in Priority B:

Incentive payments in Priority C Areas will be set at \$10 per acre for producers that can demonstrate a reduction in nitrogen fertilizer application rates of the lesser of 40 pounds per acre or 15% of their baseline application rate. **Under no circumstance can other nitrogen sources (manure, wastewater, etc.) replace the reduced commercial fertilizer.**

### **Approved Product(s) and Practice(s) for Program Enrollment**

The method, product, or practice to achieve the nitrogen fertilizer application reduction is at the discretion of the producer, but incentive payments will not be distributed until proper documentation has been submitted, and approved, to the NRD demonstrating the necessary reduction in application rate before January 15 of the following program

year. **Producers must have completed the application process and have been approved for program participation by their local NRD to be eligible for reimbursement.**

### **Application and Payment**

Producers participating in NiRIA must be in good standing with the local NRD rules and regulations. Producers participating will be required to file one application per field. Applications must be filed with the local NRD and receive notification that their application has been approved to be eligible to receive incentive payments. Applications are available at: <https://dnr.nebraska.gov/lb-1368-nitrogen-reduction-incentive-program> and must be submitted to your local NRD prior to January 15 of each year (or the next business day if January 15 falls on a weekend day). Contact your local NRD for submission details.

Each NRD will review and prioritize the applications based on available funding. Methods for application prioritization will be established by each NRD with applicants notified no later than March 15<sup>th</sup> whether their application has been approved or denied. A higher application ranking will be given to producers who incorporate the new innovative technology into their reduction practices. Those producers implementing new technologies must supply additional information to their NRD including the amount applied and the approved rate.

Documentation to establish the producer's baseline nitrogen application rate, practices that are planned to be used to achieve the application rate reduction, and the current year's nitrogen application rate are required on the application. Incentive payments will be made to participating producers after submitting the necessary documentation to support the decrease in nitrogen application that reflects the lesser of 40 pounds per acre or 15% of their baseline application rate to the NRD. If the producer does not provide documentation on reduction to the NRD by January 15<sup>th</sup> of the following program year, producer forfeits payment.

### **Steps to be eligible for NiRIA:**

1. Submission of completed application for each field of interest to local NRD prior to January 15<sup>th</sup> of each program year including:
  - a. Necessary documentation to local NRD, as established by NRD, prior to planting establishing each field's baseline nitrogen application rate:
    - i. Priority A Areas will use previously reported NRD or crop report data.
    - ii. Priority B Areas will need data required on local NRD phase II or greater reports for the prior 3 growing seasons, or complete soil sampling, as established by the NRD, prior to the cropping season for which the incentive payment is requested.

- iii. Priority C Areas will need one, or both, of options unlined in Priority B Areas.
- b. Practices that are planned to be used to achieve the application rate reduction.
  2. NRD notification to producer that application has been approved or denied by March 15<sup>th</sup> of current program year and clarify needed field documentation.
  3. Prior to January 15<sup>th</sup> (or next business day if January 15<sup>th</sup> falls on a holiday or weekend) of next program year, producers must submit all necessary documentation showing the reduction of application on fields, or producer forfeits payments.
  4. If the nitrogen application rate reduction achieves the program goals (reduction equivalent to the lesser of 40 pounds or 15%), payment will be made to the producer by the NRD before January 15<sup>th</sup> of the following program year.

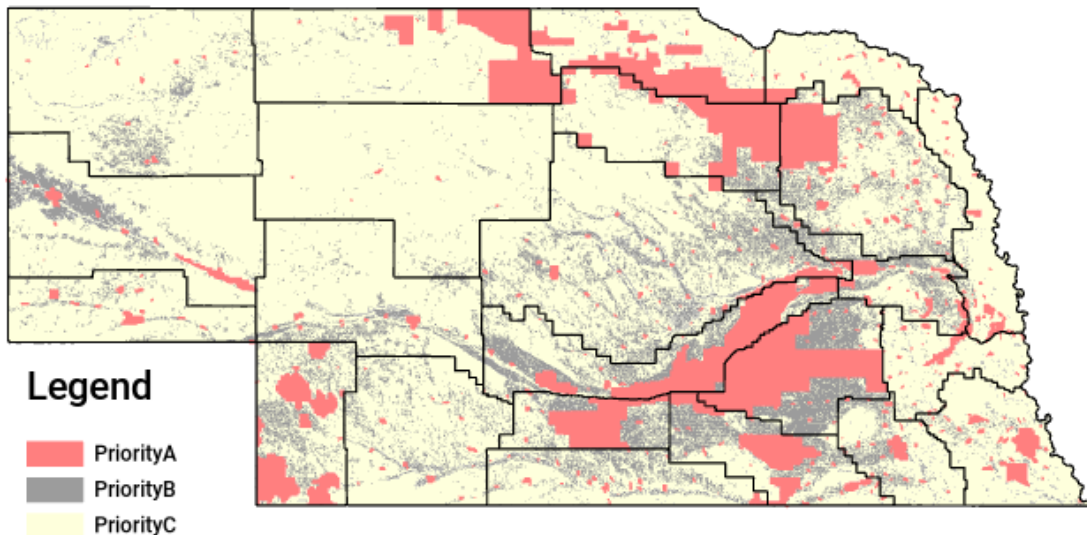


Figure 1. For general purposes only, the current distribution of Priority A, Priority B, and Priority C areas. Priority areas may be updated by each NRD through their rules and regulations. Contact your NRD for questions on which Priority Area you are in.



# Nitrogen Reduction Incentive Act (NiRIA) Program Application 2024

Name of Producer: \_\_\_\_\_

Primary Contact: \_\_\_\_\_

Primary Contact Phone Number: \_\_\_\_\_

Primary Contact Email (if available): \_\_\_\_\_

Name of Natural Resources District (NRD): \_\_\_\_\_

Are you already enrolled in a federal nutrient management plan?  No  Yes

If yes, list what program(s) \_\_\_\_\_

Type of Crop:  Corn  Sugar Beet  Potato

Legal Description (Submit one application per field): \_\_\_\_\_

Total Acres to Be Enrolled in this field (Limit of 280 acres): \_\_\_\_\_ Average Yield: \_\_\_\_\_

Crop Year: \_\_\_\_\_

Will you apply manure or lagoon water to this field?  Yes  No

If yes, attach documentation with the known amount of nitrogen in manure or lagoon water.

Do you apply nitrogen in the fall?  Yes  No

Identify the practice(s)/ product(s) you plan to implement to achieve the 40lbs or 15% reduction of commercial fertilizer by checking a box below. \*Note that the below options do not represent a ranked list and practices/products are subject to individual NRD approval.

- Reduction in Nitrogen Application
- Implementation of Biological Nutrition (Example: *Proven40*)
- Implementation of a Nitrogen Use Efficiency Technology (Example: *N-Time*)
- Implementation of a Nitrogen Stabilizer (Example: *Agrotain*)
- Other Please Describe \_\_\_\_\_

Select type of documentation that will be used to determine baseline and to evaluate nitrogen reduction:

- NRD or producer crop reports (Priority A Areas)
- Submit all data required on local NRD phase reports for the prior 3 growing seasons (Priority B or C Areas)
- Complete soil sampling, as established by the NRD, prior to the cropping season (Priority B or C Areas)

\*Please note that individual NRDs may require additional information.

Applicant Signature (Receiving 1099): \_\_\_\_\_ Date: \_\_\_\_\_

NRD Signature: \_\_\_\_\_ Date: \_\_\_\_\_







**TO: Water Resources Subcommittee**  
**FROM: Dick Ehrman, Water Resources Coordinator**  
**DATE: November 14, 2024**  
**RE: Lower Platte River Consortium (Drought Consortium) ILCA Amendment**

In August 2016, LPSNRD entered into an Interlocal Cooperative Agreement (ILCA) with the Lower Platte North and Papio-Missouri River NRDs, Lincoln Water System, (LWS), Metropolitan Utilities District (MUD), and the Nebraska Department of Natural Resources (NeDNR) to form the Lower Platte River Consortium. LPSNRD has served as the chair for the Consortium since its inception. The general purpose of the Consortium is to study the long-term water supplies available to the Lower Platte River sub-basin to enhance stream flows and aquifer storage to support the availability of water during times of drought. The Consortium cooperated to develop a Drought Contingency Plan for the sub-basin, which was approved by all members in 2019, and has been operating via the ILCA, which has been reauthorized on an annual basis since that time.

In recent meetings, Consortium representatives have expressed the desire to extend the length of the ILCA to avoid the necessity of re-authorizing the Agreement on an annual basis. Therefore, the representatives are recommending that the members adopt the attached second amendment to the ILCA, agreeing to extend the Agreement for a five (5) year period through December 4, 2029.

In addition, the representatives discussed the formal name of the Consortium. Although the approved name of the organization is the “Lower Platte River Consortium,” most involved entities have informally referred to it as the “Drought Consortium,” since the most important purpose of the organization has been to deal with drought conditions and circumstances in the Lower Platte River sub-basin. Therefore, for clarity, the representatives are recommending that the members also adopt the attached second amendment to the ILCA, formally changing the title of the Agreement from “Lower Platte River Consortium” to “Lower Platte River Drought Consortium.”

**Staff Recommended Motion:** The Water Resources Subcommittee recommends that the Board of Directors approve the General Manager to sign the Second Amendment of the Lower Platte River Consortium Interlocal Cooperation Agreement, extending the Agreement for a five-year period through December 4, 2029, and changing the title of the Consortium to the “Lower Platte River Drought Consortium.”

**SECOND AMENDMENT OF  
LOWER PLATTE RIVER CONSORTIUM  
INTERLOCAL COOPERATION AGREEMENT**

WHEREAS, the Nebraska Department of Natural Resources (“Department”), Lower Platte South Natural Resources District (“LPSNRD”), Lower Platte North Natural Resources District (“LPNNRD”), Pappio-Missouri River Natural Resources District (“PMRNRD”), Lincoln Water System (“LWS”), and Metropolitan Utilities District (“MUD”), all of which are agencies or political subdivisions of the State of Nebraska, and are parties (“Parties”) to the Lower Platte River Consortium Interlocal Cooperation Agreement (“Agreement”) that was entered on December 5, 2022; and

WHEREAS, pursuant to Section 10.05 of the Agreement, the Agreement may be amended in a writing duly executed by all of the Parties; and

WHEREAS, on December 2, 2023 the Parties executed the First Amendment to the Agreement, which extended the Agreement term to December 4, 2024; and

WHEREAS, the Parties now desire to extend the Agreement and to change the title of the interlocal cooperation agreement in this Second Amendment.

NOW THEREFORE, the Parties hereby mutually agree to the following amendments to the Agreement:

1. The Parties agree to extend the Agreement for an additional period of five (5) years from the final execution date of this Second Amendment, to end on December 4, 2029.
2. The Parties agree to change the title of the interlocal cooperation agreement from “Lower Platte River Consortium” to “Lower Platte River Drought Consortium” to better describe the purpose of the Agreement.

Except as expressly set forth herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have signed and executed this Second Amendment on the dates shown next to their respective signatures.

NEBRASKA DEPARTMENT OF NATURAL RESOURCES

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

LOWER PLATTE NORTH NATURAL RESOURCES DISTRICT

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

LINCOLN WATER SYSTEM

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

METROPOLITAN UTILITIES DISTRICT

BY: \_\_\_\_\_ DATE: \_\_\_\_\_



November 8, 2024

Drew Ratkovec  
Projects Coordinator  
Lower Platte South NRD  
3125 Portia Street  
Lincoln, NE 68521

RE: Piening Water Quality Basin  
Schemmer Project No. 09020001

Dear Drew:

On November 6, 2024, bids were received for the referenced project. Four bids were received and the as-read bid amounts were as follows:

	<b>Bid Amount</b>
Gana Trucking	\$882,947.50
Brandt Excavating	\$991,174.00
Tim Sisco Construction	\$428,153.85
Ashland Road Excavating	\$1,257,700.35
Engineer's Estimate	\$432,242.00

After reviewing the bids, including the unit prices and quantities, a slight discrepancy was found in the bid from Brandt Excavating. Their actual bid amount based on bid unit prices and project quantities totaled \$1,087,542.13. This change in bid amount would not change the apparent low bidder.

Tim Sisco Construction has completed multiple projects for the Lower Platte South NRD in a satisfactory manner.

Based on the research summarized above, we recommend the LPSNRD award the contract to Tim Sisco Construction as the lowest responsible bidder and is also determined to be a qualified bidder for the work.

Sincerely,

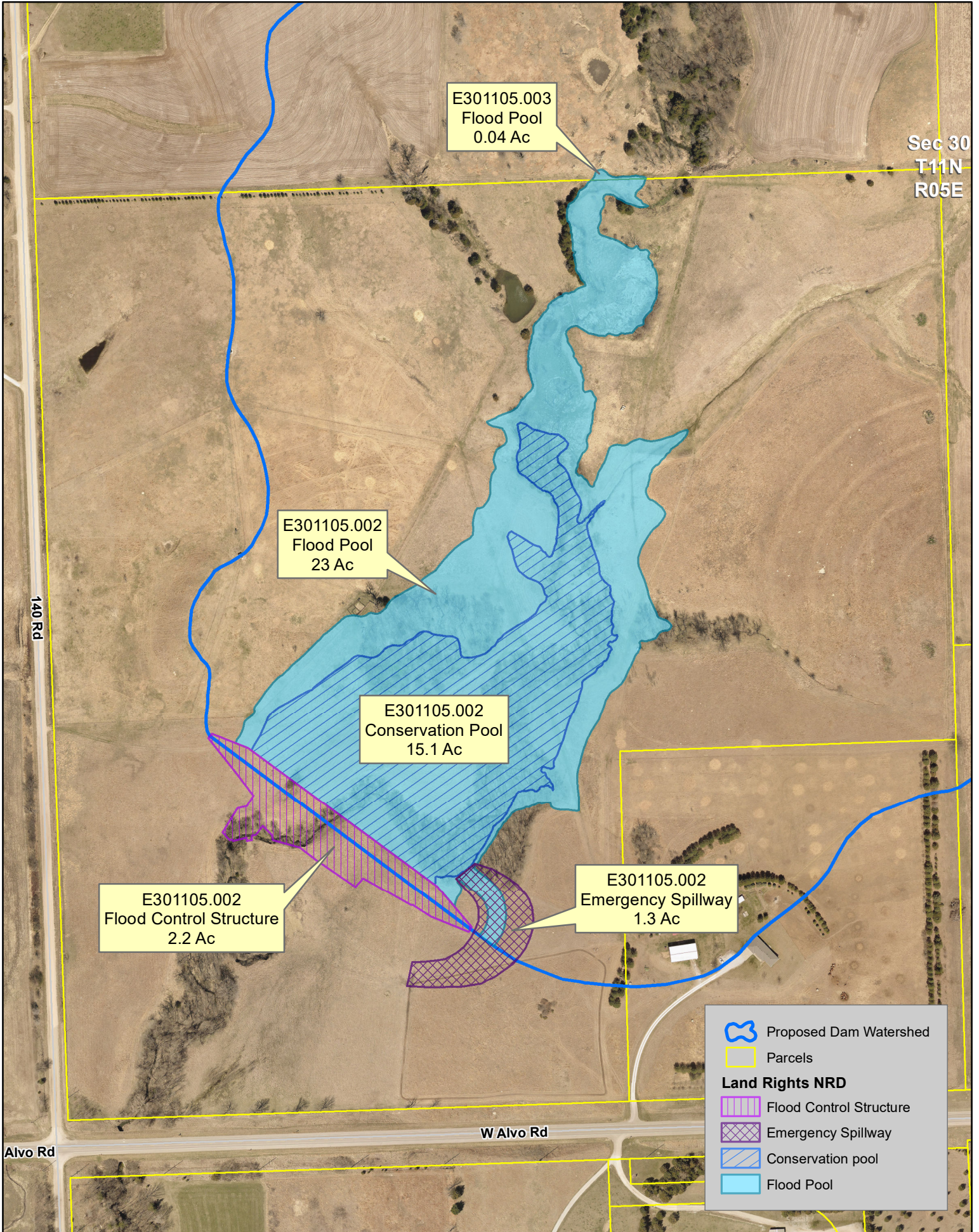
THE SCHEMMER ASSOCIATES INC.

Doug Holle, P.E.  
Project Manager





# Proposed Piening Dam (SW Sec 30, T11N-R5E) - Easements







# Piening Dam Watershed, Lancaster County

