

ORIGINAL

UPPER BIG BLUE
NATURAL RESOURCES DISTRICT
HEARING ON PROPOSED CHANGES TO THE DISTRICT'S RULE
5-GROUNDWATER MANAGEMENT AREA RULES AND REGULATIONS

Held at
Upper Big Blue Natural
Resources District
319 East 25th Street
York, Nebraska 68467
on
March 20, 2025
at
11:00 a.m., Central Standard Time

1 A P P E A R A N C E S

2 Mr. Don Blankenau
3 Attorney at Law
BWJ LAW GROUP
4 2900 South 70th Street, Suite 150
Lincoln, Nebraska 68506
5 (402)475-7081
don@aqualawyers.com
6

7

8 ALSO PRESENT:

9 Bill Keuhner
David Eigenberg
10 John Miller
Paul Bethune
11 Roger Houderseldt
Brian Stahr
12 Kevin Peterson

13 (and various other members of the board)

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1 (Exhibit No. 1, marked for
2 identification.)

3 (Whereupon, at 11:00 a.m., the following
4 proceedings were had, to-wit:)

5 MR. BLANKENAU: Good morning. My name
6 is Don Blankenau. I am going to be your hearing
7 officer today.

8 This is being recorded, so it will be
9 put in a transcript, just so everyone's aware of that.

10 So this is a public hearing to receive
11 comment on the proposed rule changes. It's not an
12 opportunity to ask questions. If you do have
13 questions, you can direct those to the staff afterwards
14 or -- or me, if you would prefer. I'm happy to answer
15 those questions then, but this hearing will be
16 conducted pursuant to the Open Meetings Act and the
17 Nebraska Groundwater Management and -- Control and
18 Protection Act.

19 I should note that the Open Meetings Act
20 is posted and -- near the door, the front entrance.

21 And with that, anything we need to start
22 before we open it up?

23 MR. MILLER: Not that I know of, no. Go
24 ahead.

25 MR. BLANKENAU: I'll just note that we

1 have marked the proof of publication as Exhibit 1 and
2 we offer that into the record.

3 (Exhibit No. 1 is offered
4 and made a part of this
5 record and may be found
6 attached.)

7 MR. BLANKENAU: I will also note that
8 the rules have been provided to both the Nebraska
9 Department of Natural Resources and the Nebraska
10 Department of Energy and Environment for their
11 comments. Those comments have not been received, so
12 the record of this hearing will remain open until such
13 time as we receive some comments from those state
14 agencies.

15 All right, anybody from the public
16 wishes to provide testimony? We got a smaller crowd
17 here, so...

18 MS. OSWALD: I'm just going to say a few
19 words, okay?

20 MR. BLANKENAU: Yeah, if you could give
21 us your name for the record.

22 MS. OSWALD: Yes. I'll sign in too.

23 MR. BLANKENAU: Yeah.

24 (Discussion off the record.)

25 MS. OSWALD: My name is Tina Oswald, I'm

1 at 1108 South L Road, Aurora.

2 My only comment is I -- in regards to
3 water usage, and I don't know where this needs to fall
4 with Rule 5, but with the new carbon pipelines that are
5 possibly coming to our Upper Big Blue area, how that is
6 going to be maybe regulated with the usage of that
7 water? I don't know where that would fall into Rule 5,
8 especially when they're constructing the pipeline and
9 flushing those systems and the water usage with that,
10 because I know that they're using some irrigation wells
11 and maybe some domestic wells for pumping and flushing
12 those, and I'm not sure if that -- that's been
13 permitted anyway. So my only comment is to see if that
14 needs to be included somewhere in actual Rule 5 with
15 the large water users.

16 That's my only comment.

17 MR. BLANKENAU: All right, thank you.

18 Anybody else?

19 MS. JOYCE: Sorry, I wasn't going to say
20 anything, but I thought -- it was mentioned at the --
21 my name is Angie Joyce, Angela Joyce, J-O-Y-C-E. I'm
22 from Hamilton County.

23 It was mentioned at the water meeting
24 the other day, we have permits for certain entities and
25 they're only pumping, I was told, at 60 percent. When

1 we do evaluations or water studies, it was talked
2 about, but I just want to bring that in the open about
3 that being taken consideration versus what is being
4 pumped. Because you can always -- I mean, I'm not
5 talking little, I'm talking millions of gallons more
6 that they could pump. So I think that needs to be
7 taken consideration when determining -- determining if
8 a large water user will affect the aquifer.

9 Thank you.

10 MR. BLANKENAU: Thank you.

11 All right, anyone else?

12 (No response.)

13 MR. BLANKENAU: All right. We'll keep
14 the record open for -- how long did you want the --
15 bottom of the hour?

16 MR. MILLER: You said April 4th -- oh,
17 for this?

18 MR. BLANKENAU: Yeah, I don't know.

19 MR. MILLER: Yeah, at least till then.

20 MR. BLANKENAU: All right, so we'll just
21 go off the record temporarily. If someone else shows
22 up, we'll open it back up, but...

23 (At 11:07 a.m. - Recess was taken.)

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1 (At 11:28 a.m., with all parties present
2 as before, the following proceedings were had,
3 to-wit:)

4 MR. BLANKENAU: Let's go back on the
5 record. We have -- do have another person who wishes
6 to testify.

7 Go ahead and step up, say your name and
8 spell your last name, please.

9 MR. ELGE: Justin Elge, E-L-G-E.

10 I just want to say thank you to the
11 board for your hard work. I feel like the new rule
12 change is going to be effective and make sense for the
13 world we live in today, so that's all I got.

14 MR. BLANKENAU: All right, thank you.
15 We'll go back off.

16 (At 11:29 a.m. - Recess was taken.)

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1 (At 11:32 a.m., with all parties present
2 as before, the following proceedings were had,
3 to-wit:)

4 MR. BLANKENAU: Okay, we're back on the
5 record. It's 11:32, we have no other members of the
6 public present, so we will conclude the hearing with
7 the exception of leaving it open for written comment
8 for Department of Natural Resources and the Department
9 of Energy and Environment.

10 And that concludes the public hearing.

11 (Hearing concluded at 11:33 a.m.)

12 (Exhibit No. 2, marked for
13 identification.)

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C E R T I F I C A T E

I, Christine Salerno, RPR, CCR, do hereby certify
that the within and following complete transcript is
correct and complete and contains all matters required
to be included herein from the hearing held on March
20, 2025, and that said complete transcript consists
of:

VOLUME I -- TESTIMONY (Pages 1 to 10)

and EXHIBIT No. 1

Dated this 25th day of March, 2025.



A handwritten signature in cursive script, reading "Christine M. Salerno", written over a horizontal line.

Christine M. Salerno, RPR
GENERAL NOTARY PUBLIC
Registered Professional Reporter

My Commission Expires: October 02, 2027.

Exhibit No. 1

AFFIDAVIT OF PUBLICATION

York News Times
327 Platte Ave , York, NE 68467
(402) 204-7023

State of Florida, County of Broward, ss:

I, Nichole Seitz, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of York News Times, a newspaper printed and published at York, in York County, Nebraska, and as such has charge of the records and files of the York News Times, and affiant knows of his/her own personal knowledge that said newspaper has a bonafied circulation of more than 500 copies of each issue, has been published at York, Nebraska, for more than 52 weeks successively prior to the first publication of the annexed printed notice, and is a legal newspaper under the statutes of the State of Nebraska.

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- Mar 13, 2025

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Nichole Seitz

Agent



VERIFICATION

State of Florida

County of Broward

Signed or attested before me on this: 03/18/2025

S. Smith

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF PUBLIC
HEARING**



The Upper Big Blue Natural Resources District will hold a public hearing on March 20, 2025, at 11:00 AM at the Upper Big Blue Natural Resources District office at 319 East 25th Street, York Nebraska 68467. This hearing is for citizens to provide testimony concerning changes to the District's Rule 5 – Ground Water Management Area Rules and Regulations including the addition of Chapter 7 Large Volume Water Users rules. The proposed change recognizes preferences of use, requires a hydrologic analysis with particular requirements for any proposed qualifying well. The proposed change also includes altering the format of Rule 5. A complete copy of the revised Rule 5 and the proposed changes are available at the district office and on the district's website <https://www.upperbigblue.org/rule-5-update-public-hearing> or by scanning the QR code in this notice. Written comments can be mailed to or dropped at the Upper Big Blue NRD, 319 East 25th Street, York NE 68467 on or before March 21, 2025.

Persons requiring assistance or auxiliary aides to attend and/or participate in the hearing should contact the Upper Big Blue Natural Resources District at the address above or by calling 402-362-6601.
February 27, March 6, 13, 2025
COL-NE-1600413 ZNEZ



Exhibit No. 2

NEBRASKA

Good Life. Great Water.

DEPT. OF NATURAL RESOURCES

April 1, 2025

Dave Eigenberg, General Manager
deigenberg@upperbigblue.org
Upper Big Blue NRD
319 E 25th St
York, Ne 68467

Sent via electronic mail only

Subject: Department Testimony for the Upper Big Blue Natural Resources District on proposed changes to Rules and Regulations

Dear Mr. Eigenberg,

This letter is intended as the official testimony of the Nebraska Department of Natural Resources (Department) for inclusion into the record of the Upper Big Blue Natural Resources District's (District) regarding the proposed modifications to its Rules and Regulations. This testimony is offered in accordance with Neb. Rev. Stat. § 46-743(7).

The Department understands the District's need to develop and modify their rules for efficient management and recognizes the authorities of the District to make the necessary interpretations of the Ground Water Management and Protection Act. In doing so, the Department commends the District for its proactive approach in establishing rules for large volume water wells.

Upon review of the proposed rules modifications the Department has the following comment from the Floodplain Division. Regarding any work that is being completed on existing or new wells the proposed sites should be analyzed for any floodplain impacts and if needed, obtain a floodplain development permit and comply with local floodplain management regulations and State Minimum Standards. For any Floodplain questions or comments please reach out to Jamie Reinke, Floodplain Division Manager at jamie.reinke@nebraska.gov or 402-471-3957.

The Department is providing this testimony for informational purposes only, not for the purpose of providing legal advice, and it should not be used as a substitute for a legal review.

Jesse Bradley, P.G., Interim Director

Department of Natural Resources

245 Fallbrook Blvd., Suite 201 OFFICE 402-471-2363
Lincoln, Nebraska 68521 FAX 402-471-2900

dnr.nebraska.gov

UBBNRD Hearing

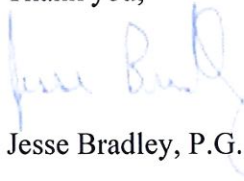
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03.20.2025

Bradley
April 1, 2025
Page 2 of 2

Thank you for providing the Department the opportunity to review the District's proposed modifications to its Rules and Regulations. The Department looks forward to continuing to work with the District on these and many other important matters in the future.

Thank you,



Jesse Bradley, P.G., Interim Director

Cc Jennifer Schellpeper, Water Planning Division Manager, NeDNR
Marie Krausnick, Assistant General Manager, UBBNRD
Terry Julesgard, Water Department Manager, UBBNRD
Jamie Reinke, Floodplain Division Manager, NeDNR



From: Johnson, Laura R <laura.r.johnson@nebraska.gov>
Sent: Thursday, March 27, 2025 3:08 PM
To: Terry Julesgard <tjulesgard@upperbigblue.org>
Cc: Miesbach, David <david.miesbach@nebraska.gov>
Subject: RE: Rule 5

Hi Terry,

Dave and I have reviewed the documents provided and did not find any changes related to groundwater quality. If I've missed something, please let me know.

I did note in chapter 16 section 10, an outdated reference to HHS oversight of the Drinking Water Program which should now be NDEE.

Thanks,
Laura

Laura Johnson

Division Administrator | Drinking Water & Groundwater Division
Nebraska Dept. of Environment and Energy | PO Box 98922 Lincoln, NE 68521
Direct (402) 471-0510 | Main Office (402) 471-2186 | Fax (402) 471-2909

From: Terry Julesgard <tjulesgard@upperbigblue.org>
Sent: Tuesday, March 25, 2025 10:41 AM
To: Johnson, Laura R <laura.r.johnson@nebraska.gov>
Subject: Rule 5

This is the draft with the format change

Terry Julesgard
Water Dept. Manager
Upper Big Blue NRD
Office: (402) 362-6601
Cell Phone: (402) 340-3224



UPPER BIG BLUE
Natural Resources District
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Protecting the Future

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