

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, October 18, 2011, 7:30 p.m.
Tri-Basin Natural Resources District

CALL TO ORDER

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Chairman Dave Nickel, at 7:32 p.m. Nickel noted Public Meeting Law is posted in the boardroom.

ROLL CALL

Roll call was taken with ten directors present: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Nickel, Raffety, Reynolds and Winz. Bergstrom, Garrelts and Olsen were absent. Notice of the meeting was published in the Holdrege Citizen, Bertrand Herald, Elwood Bulletin and the Minden Courier and announced over radio stations KRVN, Lexington and KUVR, Holdrege.

EXCUSE ABSENCES

Moved by Nelson, seconded by Raffety to excuse Dick Helms from the August and September 2011 Board Meetings. Motion carried.

AYE: Harris, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Helms

ABSENT: Bergstrom, Garrelts and Olsen

MINUTES

Nickel presented the minutes of the September 13, 2011 Board of Director's Meeting and Budget Hearing, September 20, 2011 Joint CNPPID/TBNRD Committee Meeting and September 30, 2011 Planning Committee Meeting and October 12, 2011 Executive Committee Meeting.

Moved by Johnson, seconded by Raffety, to approve the minutes of the September 18, 2011 Board of Directors Regular Meeting and Budget Hearing. Motion carried.

AYE: Harris, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Helms

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Garrelts, seconded by Lundeen, to approve the minutes of the September 20, 2011 Joint CNPPID/TBNRD Committee Meeting. Motion carried unanimously.

Moved by Johnson, seconded by Larson, to approve the minutes of the September 30, 2011 Planning Committee Meeting. Motion carried unanimously.

Moved by Lundeen, seconded by Winz, to approve the minutes of the October 12, 2011 Executive Committee Meeting. Motion carried unanimously.

FINANCIAL REPORT

Thorburn presented the financial report for the month of September 2011 as follows:

Accrual Expenditures for Month -----	\$74,247.04
Cash Expenditures for Month-----	\$87,877.53
Accrual Revenues for Month-----	\$247,437.39
-	
Cash Revenues for Month-----	\$240,105.94
Bank Balance—September 30, 2011-----	\$283,309.66
-	

Accounts Receivable – September 30, 2011-----	\$34,112.71
Investments – September 30, 2011-----	\$203.55

Investments – Pinnacle Bank – September 30, 2011-----	\$845,670.26
-	
Whiskey Slough IPA Balance – September 30, 2011-----	\$16,474.70
Fort Kearny-West IPA Balance – September 30, 2011-----	\$5,629.12
South Dry Creek IPA Balance – September 30, 2011-----	\$8,784.35
Fort Kearny IPA Balance – September 30, 2011-----	\$12,490.71
North Dry Creek IPA Balance – September 30, 2011-----	\$16,213.80
Sacramento Creek IPA Balance – September 30, 2011 -----	\$30,896.11

Moved by Lundeen, seconded by Larson, to accept the September 2011 financial reports and file for audit. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

SPECIAL BILLS

Thorburn presented the VISA, NRRMD, and attorney bills for approval.

Moved by Helms, seconded by Johnson to approve the visa bills. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Helms, seconded by Raffety to approve the attorney bills. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Lundeen, seconded by Johnson to approve the NRRMD for the Conjunctive Use Study invoice. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

NRCS REPORT

FSA Farm Plans: There were no farm plans for approval.

Activity and Progress Report: Breece reported staff has been working on enhancement documentation for CSP and designing pivots, pipelines, inversions and outlets.

COST SHARE REPORT

Well Abandonment – Holloway presented five well decommissioning cost-share applications to approve. Moved by Helms, seconded by Winz to approve well decommissioning cost-share applications #30-#34. Motion carried.

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AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

NSWCP & NRD Applications – Thorburn recommended one NSWCP and one windbreak renovation cost-share application for approval. Moved by Raffety, seconded by Larson to approve a NSWCP Cost-Share applications for Gilbert V. Nelson Trust. (\$300) and a Windbreak Renovation for Soneson Land & Cattle Co. (\$2,021.25). Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Nelson

ABSENT: Bergstrom, Garrelts and Olsen

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – Thorburn presented a groundwater transfer request for Circle Mill Iron and an irrigated acre transfer request for Claude C. Evans Living Trust, etal. Larry Evans and Byron Hock were present to explain their requests. Thorburn explained Byron Hock is requesting certification of additional irrigated acres due to re-measurement by the County Assessor. Moved by Lundeen, seconded by Larson to approve a groundwater transfer request for Circle Mill Iron. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Nelson, seconded by Raffety to approve an irrigated acre transfer request for Claude C. Evans Living Trust, etal. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Reynolds, seconded by Larson to certify an additional thirteen irrigated acres for Byron Hock. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

New Well Variances – There were no new well variances to approve.

Educational Land Leases – There were no Educational Land Leases to approve.

OTHER BUSINESS

The public was given the opportunity to bring other specific business or non-agenda items before the board for comment and/or discussion.

UNFINISHED BUSINESS

There was no old business to discuss.

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NARD REPORT

Nelson reported the next board meeting will be held in Gothenburg on November 7, 2011. Thorburn reviewed NARD Resolutions.

COMMITTEE REPORTS

Planning Committee: Helms reviewed minutes of the meeting with Gosper County Commissioners and their concerns about acres being transferred out of the county. The planning committee explained the irrigated acre transfer process and that irrigated transfers aren't automatically approved. Thorburn mentioned a spreadsheet will be included in the packet every month to monitor movement of acres between basins and counties. Water levels in Union Township were discussed and that the current allocation needs to continue because water levels are still above 1981-1985 levels. Thorburn reported on REA measurements to be used in water pumping calculations and metering requirements in other NRDs. Thorburn suggested using ultrasonic flowmeter measurements could be used.

Moved by Helms, seconded by Johnson to accept the Planning Committee recommendation that Planning Committee review irrigated acre transfers in which 10 acres or 10% of parcel acres, whichever is less, on the destination field are HEL, provide HEL acre information to the board for the destination field with irrigated acre transfer requests and provide to the board a monthly tally of irrigated acres and transferred in or out of Gosper County and to maintain the current three-year allocation for Union Township pending review of fall groundwater levels. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Nelson, Raffety, Reynolds and Nickel

NAY: Lundeen and Winz

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Nelson commented that every month there are requests for changes in certified acres and suggested that landowners be notified that as of March 2012, no more changes to certified irrigated acres will be made. Lundeen mentioned that MRNRD sent a letter to landowners to verify irrigated acres. Raffety commented that sometimes landowners don't inform producers or subsequent landowners about irrigated acre notices. Johnson commented that after this many years the landowner should know how many acres they have. Reynolds commented that there hasn't been opposition to approval of changes to irrigated acres. Thorburn commented that the Assessor sends acre changes every year and if the change is less than 4 acres, it's automatically revised by the NRD and if the change is greater than 4 acres, the landowner is notified. Nelson asked that Thorburn research how other districts handle corrections to certified irrigated acres send to the Planning Committee. Moved by Nelson, seconded by Harris to notify landowners of current certified irrigated acres for verification so that no changes will be made to certified irrigated acres as of March 1, 2012. Motion withdrawn.

Executive Committee: Thorburn reviewed Executive Committee recommendations. He explained sub-districts need to be revised because of new census population data and to stay in compliance with the one-man-one vote method of election adopted by TBNRD in 2001. Boundaries were changed in all sub-districts. Sub-District #1, as revised, includes three current Directors. Thorburn proposed that because Helms is building a new home outside the district and will need to resign when he moves, Johnson could be appointed to fill his seat and the remainder of his term. Subdistrict #4 would then need to have a new director appointed by the board. A Resolution to redistrict needs to be filed with Secretary of State by the November 8, 2011. Helms commented that

changing the map will make it harder for someone in the SW corner in Gosper county to get elected because of lack of

population. The area needs representation because the land is different and they have different concerns.

Thorburn explained that the Committee recommended approval of the Accountable Reimbursement Plan and purchase of office furniture from Eakes. Thorburn explained TBNRD's auditor recommended approval of the "Accountable Reimbursement Plan" and that it be included in the Personnel Policy to comply with IRS Regulations concerning taxation of meals and mileage expenses for staff and directors. Thorburn mentioned a motion was made to purchase a short-throw projector and smart board to replace the current power point projector. The motion was withdrawn to allow for more time to gather information and bids. The purchase of the projector and smart board will be presented at the November board meeting.

Moved by Winz, seconded by Lundeen to adopt the following Resolution for Redistricting:

Tri-Basin Natural Resources District
Holdrege, Nebraska
A Resolution Concerning
Delineation of Electoral Sub-Districts

Whereas Nebraska State Statutes provide three methods for election of directors to serve on natural resources district boards, and

Whereas the Tri-Basin Natural Resources District Board of Directors unanimously passed a motion during the September 11, 2001 board meeting accepting a recommendation of the District Executive Committee that the NRD should adopt an electoral process by which "directors shall be elected only by the registered voters of the sub-district, except that an at-large director may be elected by registered voters of the entire district" as provided for in Nebraska state statutes Ch. 2, Sec. 3214 (2);

Now therefore be it also resolved that the board of directors of Tri-Basin Natural Resources District have divided the district into six sub-districts (one less than a majority of directors) of "substantially equal population" as provided for in Nebraska state statutes Ch. 2, Sec. 3214 (2), taking into consideration "... all factors including, but not limited to, the location of works of improvement and the distribution of population and taxable values within the district." A description of the boundaries of these sub-districts follows.

The First (1st) Sub-district shall consist of all of Gosper County and Garfield (7N-20W) and Union (6N-20W) Townships in Phelps County.

The Second (2nd) Sub-district shall consist of all of Center (7N-18W), Industry (5N-19W), Laird (6N-19W), Westmark (7N-19W), Williamsburg (8N-18W and 8N-19W), Rock Falls (5N-20W) and Westside (8N-20W) Townships in Phelps County, Sections 5 and 6 in Prairie (5N-18W) Township in Phelps County, and election ward #4 of the City of Holdrege in Phelps County, as it exists on the date of this resolution.

The Third (3rd) Sub-district shall consist of all of Lake (5N-17W), Divide (6N-17W) and Prairie (5N-18W) Townships in Phelps County, Mirage (6N-16W) Township in Kearney County and election ward #1 of the City of Holdrege in Phelps County, as it exists on the date of this resolution.

The Fourth (4th) Sub-district shall consist of all of Sheridan (6N-18W) Township in Phelps County and election wards #2 and #3 of the City of Holdrege as they exist on the date of this resolution, all in Phelps County.

The Fifth (5th) Sub-district shall consist of all of Grant (5N-13W), Cosmo (5N-14W), Sherman (5N-15W), Hayes (6N-15W) and Oneida (5N-16W) Townships in Kearney County and the South and Center election wards of the City of Minden in Kearney County, as they exist on the date of this resolution.

The Sixth (6th) Sub-district shall consist of all of May (6N-13W), Eaton (7N-13W), Lowell (8N-13W and 8N-14W), Lincoln (6N-14W), Liberty (7N-14W), Newark (8N-14W and 8N-15W), Logan (7N-15W) and Blaine (7N-16W and 8N-16W) Townships in Kearney County and the North election ward of the City of Minden in Kearney County, as it exists on the date of this resolution, as well as all of Anderson (7N-17W) and Cottonwood (8N-17W and 8N-18W) Townships in Phelps County.

Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Winz seconded by Lundeen to adopt the following “Accountable Reimbursement Plan” to be included in the Personnel Policy Handbook:

ACCOUNTABLE REIMBURSEMENT PLAN

In accordance with IRS regulations 1.162-17 and 1.274-5T(f), Tri-Basin Natural Resources District, herein referred to as the “District” hereby establishes an accountable reimbursement plan for all directors and employees with the following terms and conditions:

1. The District will reimburse only reasonable district related business expenses incurred by a director or staff member. Subject to budget limitations, such expenses will include:
 - a) Business use of automobile, up to the current IRS standard mileage rate currently being used by the District.
 - b) Business travel away from home: transportation, parking, lodging, meals/tips and any other expenses necessary to carry out the business of the District.
 - c) Convention, conference and workshop expenses
 - d) Continuing education expenses and books, as detailed in the Personnel Policy.
2. The director or employee will account for each allowable expense in writing at least every 90 days. Documentation will include the amount, date, place and business purpose for each expense. A receipt will accompany documentation.
3. Under this accountable arrangement the District will not report reimbursed amounts as taxable income on the director or employee’s Form W-2. The director or employee should not report reimbursed amounts as income on Form 1040

Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Moved by Larson seconded by Raffety to approve purchase of the office furniture from Eakes.

Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Joint CNPPID & TBNRD Committee Meeting: Reynolds explained that the minutes were reviewed by directors that attended the meeting and sent to CNPPID directors/manager for comment. Kraus and Thorburn sent letters to Brian Dunnigan.

STAFF REPORTS & NECESSARY ACTION

Board Directives to Staff: There was no staff report.

Out-of-State Travel: There was no out-of-state travel to approve.

MONTHLY REPORTS

Republican Basin (NRRMD): Thorburn will give deposition for KS v. NE on Wednesday, October 26, 2011. The trial will probably proceed in summer of 2012.

Platte Basin: PRRIP will need to replace LAC representative Scott Woodman. Thorburn will meet with COE and PRRIP on the 404 permit and hearing. Holloway mentioned the Wilke Pilot Project could provide offset and provide as a model for similar projects.

South Dry Creek: Nothing to report.

Sacramento Creek: Nothing to report.

Middle Lost Creek: Nothing to report.

Fort Kearny West: Nothing to report.

Fort Kearny: Nothing to report.

North Dry Creek: Phragmites will be sprayed and beaver trapping. Remote well startup was tested and corrected to work faster. Barbed wire fence will be installed on the north edge of property.

Whiskey Slough: Nothing to report.

Lake Seldom: Bullrush spraying was done.

CoHyst/PBHEP: CoHyst model will be calibrated late in November 2011 when Gosper County irrigated acres are added. Gosper County irrigated acres will not be as accurate because they were not mapped. Thorburn commented the calibrated model should be available in early 2012.

Weed Management Areas – Riparian Vegetation Task Force Platte: Weed Management Areas are working on Master Plan.

Sand Creek/Little Blue Basin: Thorburn will work on request for proposals on design work for Sand Creek Reservoir.

CNPPID: Ford reported irrigation season is winding down, Lake McConaughay is at elevation 3257.45 feet (two feet below FERC limit) and 5.9 inches per acre was delivered. The twenty year average is 9.4 inches/acre with rainfall two inches less than average. Ford attributed water savings to delivery timing and increased pivots. Reynolds suggested a joint letter be written to NDNR showing CNPPID water user savings and also publicized. Nelson commented that it would be valuable for the NRD and groundwater users if water usage savings could be shown using flowmeter data.

NEW BUSINESS

Discuss Allocation of Pumping for Union Township in Gosper County: This item was discussed under Planning Committee agenda item.

Discuss Policy for Assessing Overuse of Pumping Allocations: Thorburn explained the three-year allocation period in Union Township is ending and several landowners are expected to exceed their allocation. Thorburn explained a policy needs to be set for overuse and recommended the overuse be taken off the next years allocation. Moved by Helms, seconded by Reynolds to allow landowners who exceed their three-year allocation to take the excess allocation off their next allocation allowance. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Appoint Representative and Alternate to PRRIP LAC: Moved by Johnson, seconded by Lundeen to appoint Thorburn as delegate and Jim Bendfeldt as alternate delegate to the PRRIP Land Committee. Motion carried.

AYE: Harris, Helms, Johnson, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Garrelts and Olsen

Approve Accountable Reimbursement Plan: This item was addressed under Executive Committee agenda items.

Approve Revised Election Sub-District Boundaries: This item was discussed under Executive Committee agenda items.

PERSONNEL & LEGAL MATTERS

There were no personnel or legal matters to discuss.

COMMENTS AND CONCERNS

There were no comments or concerns.

NEXT BOARD MEETING

TBNRD Regular Board meeting will be held at 7:30 p.m. on Tuesday, November 8, 2011 at the Tri-Basin NRD.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:03 p.m.

DIRECTORS PRESENT

Ed Harris, Dick Helms, Phyllis Johnson, Joe Larson, Brad Lundeen, David Nelson, David Nickel, David Raffety, Larry Reynolds and Ray Winz.

OTHERS PRESENT

John Thorburn, Carie Lynch, Nicole Salisbury, Kevin Breece, Dave Ford, Byron Hock, Larry Evans, Becky Hock and Richard Holloway.

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Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
TRI-BASIN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
October 18, 2011

- #1 Moved by Nelson, seconded by Raffety to excuse Dick Helms from the August and September 2011 Board Meetings. Motion carried.
- #2 Moved by Johnson, seconded by Raffety, to approve the minutes of the September 18, 2011 Board of Directors Regular Meeting and Budget Hearing. Motion carried.
- #3 Moved by Garrelts, seconded by Lundeen, to approve the minutes of the September 20, 2011 Joint CNPPID/TBNRD Committee Meeting. Motion carried unanimously.
- #4 Moved by Johnson, seconded by Larson, to approve the minutes of the September 30, 2011 Planning Committee Meeting. Motion carried unanimously.
- #5 Moved by Lundeen, seconded by Winz, to approve the minutes of the October 12, 2011 Executive Committee Meeting. Motion carried unanimously.
- #6 Moved by Lundeen, seconded by Larson, to accept the September 2011 financial reports and file for audit. Motion carried.
- #7 Moved by Helms, seconded by Johnson to approve the visa bills. Motion carried.
- #8 Moved by Helms, seconded by Raffety to approve the attorney bills. Motion carried.
- #9 Moved by Lundeen, seconded by Johnson to approve the NRRMD for the Conjunctive Use Study invoice. Motion carried.
- #10 Moved by Helms, seconded by Winz to approve well decommissioning cost-share applications #30-#34. Motion carried.
- #11 Moved by Raffety, seconded by Larson to approve a NSWCP Cost-Share applications for Gilbert V. Nelson Trust. (\$300) and a Windbreak Renovation for Soneson Land & Cattle Co. (\$2,021.25). Motion carried.
- #12 Moved by Lundeen, seconded by Larson to approve a groundwater transfer request for Circle Mill Iron. Motion carried.
- #13 Moved by Nelson, seconded by Raffety to approve an irrigated acre transfer request for Claude C. Evans Living Trust, etal. Motion carried.
- #14 Moved by Reynolds, seconded by Larson to certify an additional thirteen irrigated acres for Byron Hock. Motion carried.
- #15 Moved by Helms, seconded by Johnson to accept the Planning Committee recommendation that Planning Committee review irrigated acre transfers in which 10 acres or 10% of parcel acres, whichever is less, on the destination field are HEL, provide HEL acre information to the board for the destination field with irrigated acre transfer requests and provide to the board a monthly tally of irrigated acres and transferred in or out of Gosper County and to maintain the current three-year allocation for Union Township pending review of fall groundwater levels. Motion carried.
- #16 Moved by Nelson, seconded by Harris to notify landowners of current certified irrigated acres for verification so that no changes will be made to certified irrigated acres as of March 1, 2012. Motion withdrawn.
- #17 Moved by Winz, seconded by Lundeen to adopt the following Resolution for Redistricting:

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Holdrege, Nebraska
A Resolution Concerning
Delineation of Electoral Sub-Districts

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Motion carried.

- #18 Moved by Winz seconded by Lundeen to adopt the following “Accountable Reimbursement Plan” to be included in the Personnel Policy Handbook:

ACCOUNTABLE REIMBURSEMENT PLAN

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 - b) Business travel away from home: transportation, parking, lodging, meals/tips and any other expenses necessary to carry out the business of the District.
 - c) Convention, conference and workshop expenses
 - d) Continuing education expenses and books, as detailed in the Personnel Policy.
2. The director or employee will account for each allowable expense in writing at least every 90 days. Documentation will include the amount, date, place and business purpose for each expense. A receipt will accompany documentation.

Under this accountable arrangement the District will not report reimbursed amounts as taxable income on the director or employee’s Form W-2. The director or employee should not report r

- #19 Moved by Larson seconded by Raffety to approve purchase of the office furniture from Eakes. Motion carried.

- #20 Moved by Helms, seconded by Reynolds to allow landowners who exceed their three-year allocation to take the excess allocation off their next allocation allowance. Motion carried.

#21 Moved by Johnson, seconded by Lundeen to appoint Thorburn as delegate and Jim Bendfeldt as alternate delegate to the PRRIP Land Committee. Motion carried.