

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, February 12, 2013, 1:30 p.m.**  
**Tri-Basin NRD**

**CALL TO ORDER**

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Vice Chairman David Olsen, at 1:34 p.m. Olsen noted Public Meeting Law is posted in the boardroom. Thorburn administered the Oath of Office to newly elected Director: Brad Lundeen. Prior to the meeting, Thorburn opened a public hearing for Sand Creek Landowners.

**ROLL CALL**

Roll call was taken with ten directors present: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds. Bergstrom, Winz and Nickel 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**

There no absences to excuse.

**MINUTES**

Thorburn presented the minutes of the January 15, 2013 Board of Director's Meeting.

Moved by Johnson, seconded by Bilka, to approve the minutes for the January 15, 2013 Board of Directors Meeting. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen and Reynolds

NAY: None

ABSTAIN: Raffety

ABSENT: Bergstrom, Nickel and Winz

**FINANCIAL REPORT**

Garrelts presented the financial report for the month of January 2013 as follows:

Accrual Expenditures for Month -----	\$60,740.95
Cash Expenditures for Month-----	\$69,154.31
Accrual Revenues for Month-----	\$199,751.81
-	
Cash Revenues for Month-----	\$212,020.19
Bank Balance—January 31, 2013-----	\$270,301.35
Accounts Receivable – January 31, 2013-----	\$5,173.73
-	
Investments – Pinnacle Bank – January 31, 2013-----	\$1,002,937.28
Whiskey Slough IPA Balance – January 31, 2013-----	\$18,439.43
Fort Kearny-West IPA Balance – January 31, 2013-----	\$7,136.20
-	
South Dry Creek IPA Balance – January 31, 2013-----	\$9,312.03
Fort Kearny IPA Balance – January 31, 2013-----	\$11,990.60
-	
North Dry Creek IPA Balance – January 31, 2013-----	\$16,735.33
Sacramento Creek IPA Balance – January 31, 2013-----	\$23,869.14

Moved by Raffety, seconded by Larson, to accept the January 2013 financial reports and file for audit. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

### SPECIAL BILLS

Thorburn presented the VISA, attorney and NRRMDA bills for approval. Moved by Garrelts, seconded by Lundeen to approve the attorney bills. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

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

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

Moved by Garrelts, seconded by Bilka to approve the NRRMDA bill. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

### NRCS REPORT

**FSA Farm Plans:** Scheele presented three farm plans for approval: Alan Smith, Joel Schutz and Rodney Ford. Moved by Lundeen, seconded by Raffety to approve farm plans for Alan Smith, Joel Schutz and Rodney Ford. Motion carried.

AYE: Bilka, Garrelts, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: Johnson and Harris

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

**Activity and Progress Report:** Scheele reported staff has been processing CSP and EQIP payments and working on pivot, diversion and pipeline designs.

### COST SHARE REPORT

**Well Abandonment** – Thorburn presented eleven well decommissioning cost-share applications for approval. Moved by Raffety, seconded by Lundeen to approve well decommissioning cost-share applications #87-#97. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

**NSWCP & NRD Applications** – Thorburn presented nineteen NSWCP cost-share applications. Moved by Larson, seconded by Lundeen to approve nineteen NSWCP Cost-share applications. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: Nelson

ABSENT: Bergstrom, Nickel and Winz

**Educational Land Leases** – Thorburn presented six Educational Land Leases to approve. Moved by Garrelts seconded by Lundeen to approve six Educational Land Leases. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

### **GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented four groundwater transfer requests for Ryan Holt, Wendell Farms Partnership, David Stuehm and Robert Swanson, four certified irrigated acre transfer requests (Kim Fulmer, Keith Maaske, Connie Stadler and Jesse DeBoer) and four special requests for Kirk Peterson, Eugene Trausch, John Kuehn and Paul Roth. All four special requests were for corrections to certified irrigated acres.

Moved by Reynolds, seconded by Garrelts to approve groundwater transfer requests for Ryan Holt, Wendell Farms, David Stuehm and Robert Swanson. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: Lundeen

ABSENT: Bergstrom, Nickel and Winz

Moved by Nelson, seconded by Larson to approve certified irrigated acre transfer requests for Kim Fulmer, Keith Maaske, Connie Stadler and Jesse DeBoer Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

Moved by Garrelts, seconded by Raffety to approve correction of certified irrigated acres for Kirk Peterson, Eugene Trausch, John Kuehn and Paul Roth. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

Moved by Nelson, seconded by Johnson to accept the Planning Committee Recommendation to deny Dale Schutz request for a well spacing variance. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

### **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**

**Approve Contract for Sand Creek Reservoir Final Design from EA Associates:** Thorburn recommended approval of the contract subject to clarification of the cancellation clause discussed earlier at the special board meeting. Moved by Nelson seconded by Harris to accept the Sand Creek Reservoir Final Design Contract from EA Associates subject to clarification of the cancellation part of the contract. Motion carried.

AYE: Bilka, Harris, Johnson, Larson, Lundeen, Nelson, Olsen and Reynolds

NAY: Garrelts and Raffety

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

**Review Republican Basin Water Use Data:** Thorburn presented Republican Basin Water Use Data for 2012. The data showed increased water usage due to the drought.

**NARD REPORT**

**NARD Legislative Conference:** Nelson reported on conference.

**COMMITTEE REPORTS**

**Planning Committee:** The Planning Committee will meet February 27, 2013 at 9:00 a.m.

**STAFF REPORTS & NECESSARY ACTION**

**Board Directives to Staff:** There were no staff reports to review.

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

**MONTHLY REPORTS**

**Republican Basin (NRRMD):** Hearing was held on Special Master's draft report on the KS vs. NE trial and another hearing will be held in August 2013. Thorburn mentioned a hearing was held on LB185 which could provide loans to NRDs involved in Lincoln County Farm Project. TBNRD sent a letter of support.

**Platte Basin:** Governance Committee will meet in Kearney on February 12<sup>th</sup> and 13<sup>th</sup>, 2013.

**South Dry Creek:** Annual meeting will be held in March.

**Sacramento Creek:** Annual meeting will be held in March.

**Middle Lost Creek:** Nothing to report.

**Fort Kearny West:** Annual meeting will be held in March.

**Fort Kearny:** Annual meeting will be held in March.

**North Dry Creek:** Annual meeting will be held in March and estimate expected for work needed.

**Whiskey Slough:** Annual meeting will be held in March.

**Lake Seldom:** Hay from Lake Seldom has been donated to ranchers in northern Nebraska.

**CoHyst/Platte Basin Coalition:** PBHEP had meeting and approved Phase II of the North Dry Creek Streamflow Augmentation Project and funding was reallocated from a CNPPID project for TBNRD.

**Weed Management Areas – Riparian Vegetation Task Force:** Nothing to report.

**Sand Creek/Little Blue Basin:** This item was discussed under another agenda item.

**CNPPID:** Ford reported Lake McConaughay 62% and elevation 3240.4 feet.

#### NEW BUSINESS

**Consider Reallocating \$20,000 from Republican Basin Augmentation Project to Well Decommissioning Cost-Share:** Moved by Nelson seconded by Raffety to transfer \$20,000 from Budget Line #472 00 – Offset Depletions to #47000 District Cost-Share for Well Decommissioning Cost-Share. Motion carried.

AYE: Bilka, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: Garrelts

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

**Consider Participating in Analysis of North Dry Creek Streamflow Augmentation Project:** This item will be discussed in executive session.

**Consider Revising Cost-Share Specifications for Commercial & Industrial Flowmeters:** Thorburn explained that staff is in the process of certifying industrial and commercial uses. Meters for these types of wells are usually smaller and read in gallons. Thorburn is asking the board to revise the cost-share rules to allow industrial and commercial flowmeters to read in gallons. Moved by Lundeen, seconded by Reynolds to make an exception to the cost-share rules allowing industrial and commercial flowmeter totalizers to read in gallons. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

**Consider Participation in “Water for Generations” Project:** Thorburn suggested staff meet with Water for Generations committee and report back to board. No funding is budgeted this fiscal year.

**Discuss Certified Acre Correction Policy:** This item was discussed at the morning meeting and no recommendation was made.

**Schedule Annual IPA Meetings:** Thorburn proposed the meetings be held on March 1, 2013 with Kearney County IPAs meeting in morning and Phelps County IPAs meeting in afternoon.

#### COMMENTS AND CONCERNS

**Discuss Participation in Tree Planting at Holdrege Baseball Field:** This item was moved from the morning agenda to this agenda. Thorburn presented a tree plan for the baseball field at the fairgrounds. The Holdrege Legion Baseball Committee and Phelps County Ag Society are asking Tri-Basin to contribute trees, drip tape, mulch and labor for the tree planting.

Moved by Garrelts, seconded by Bilka to approve up to \$3500 matching funds for a tree plan for the Holdrege Baseball field for the Phelps County Ag Society. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

Nelson asked that the Projects and Construction Committee consider the Johnson Lake Trail proposal.

#### **PERSONNEL & LEGAL MATTERS**

Moved by Garrelts, seconded by Lundeen to move to executive session for the protection of the public to discuss contractual matters at 2:41 p.m. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

Moved by Raffety, seconded by Bilka to move out of executive session for the protection of the public to discuss contractual matters at 2:54 p.m. Motion carried.

AYE: Bilka, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Nickel and Winz

#### **NEXT BOARD MEETING**

TBNRD Regular Board Meeting and Sand Creek Landowner Hearing will be held on Tuesday, March 12, 2013 at 1:30 p.m., at Tri-Basin NRD.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 3:07 p.m.

#### **DIRECTORS PRESENT**

Joe Bilka, Todd Garrelts, Ed Harris, Phyllis Johnson, Joe Larson, Bradley Lundeen, David Nelson, Dave Olsen, Dave Raffety and Larry Reynolds.

#### **OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Curtis Scheele, Tammy Fahrenbruch, Dave Ford, Jeff Cox, Carol Roth, Doug Roth, Keith Maaske, June DeBoer, Kirk Peterson, Eugene Trausch, Joel Kuehn, Steve Stadler, Dave Wohlgemuth and Richard Bohatey.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 February 12, 2013

Motion #	Category	Subject	Aye	Nay	Abs	Motion
2013-02-12-01	Meeting Administration		9		1	Moved by Johnson, seconded by Bilka, to approve the minutes for the January 15, 2013 Board of Directors Meeting. Motion carried.
2013-02-12-02	Meeting Administration		10			Moved by Raffety, seconded by Larson, to accept the January 2013 financial reports and file for audit. Motion carried.
2013-02-12-03	Budget		10			Moved by Garrelts, seconded by Lundeen to approve the attorney bills. Motion carried.
2013-02-12-04	Budget		10			Moved by Johnson, seconded by Harris to approve the visa bills. Motion carried.
2013-02-12-05	Budget		10			Moved by Garrelts, seconded by Bilka to approve the NRRMDA bill. Motion carried.
2013-02-12-06	Meeting Administration		8	2		Moved by Lundeen, seconded by Raffety to approve farm plans for Alan Smith, Joel Schutz and Rodney Ford. Motion carried.
2013-02-12-07	Meeting Administration		10			Moved by Raffety, seconded by Lundeen to approve well decommissioning cost-share applications #87-#97. Motion carried.
2013-02-12-08	Meeting Administration		9		1	Moved by Larson, seconded by Lundeen to approve nineteen NSWCP Cost-share applications. Motion carried.
2013-02-12-09	Meeting Administration		10			Moved by Garrelts seconded by Lundeen to approve six Educational Land Leases. Motion carried.
2013-02-12-10	Certification & Transfers	Holt, Wendell, Stuehm, Swanson	9		1	Moved by Reynolds, seconded by Garrelts to approve groundwater transfer requests for Ryan Holt, Wendell Farms, David Stuehm and Robert Swanson. Motion carried.
2013-02-12-11	Certification & Transfers	Fulmer, Maaska, Stadler, DeBoer	10			Moved by Nelson, seconded by Larson to approve certified irrigated acre transfer requests for Kim Fulmer, Keith Maaske, Connie Stadler and Jesse DeBoer Motion carried.
2013-02-12-12	Certification & Transfers	Peterson, Trausch, Kuehn and Roth	10			Moved by Garrelts, seconded by Raffety to approve correction of certified irrigated acres for Kirk Peterson, Eugene Trausch, John Kuehn and Paul Roth. Motion carried.
2013-02-12-13	Certification & Transfers	Schutz	10			Moved by Nelson, seconded by Johnson to accept the Planning Committee



						Recommendation to deny Dale Schutz request for a well spacing variance. Motion carried.
2013-02-12-14	Projects	Sand Creek	8	2		Moved by Nelson seconded by Harris to accept the Sand Creek Reservoir Final Design Contract from EA Associates subject to clarification of the cancellation part of the contract. Motion carried.
2013-02-12-15	Budget		9	1		Moved by Nelson seconded by Raffety to transfer \$20,000 from Budget Line #472 00 – Offset Depletions to #47000 District Cost-Share for Well Decommissioning Cost-Share. Motion carried.
2013-02-12-16	District Plans & Programs	Commercial & industrial flowmeters	10			Moved by Lundeen, seconded by Reynolds to make an exception to the cost-share rules allowing industrial and commercial flowmeter totalizers to read in gallons. Motion carried.
2013-02-12-17	Projects	Holdrege Baseball Field	10			Moved by Garrelts, seconded by Bilka to approve up to \$3500 matching funds for a tree plan for the Holdrege Baseball field for the Phelps County Ag Society. Motion carried.
2013-02-12-18	Meeting Administration		10			Moved by Garrelts, seconded by Lundeen to move to executive session for the protection of the public to discuss contractual matters at 2:41 p.m. Motion carried.
2013-02-12-19	Meeting Administration		10			Moved by Raffety, seconded by Bilka to move out of executive session for the protection of the public to discuss contractual matters at 2:54 p.m. Motion carried.