

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, August 9, 2012, 1:30 p.m.**  
**Monsanto Water Learning Center**

**CALL TO ORDER**

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Chairman David Nickel, at 1:30 p.m. Nickel noted Public Meeting Law is posted in the boardroom. Prior to the meeting the Hearing on the FY 2012-2013 Budget was opened.

**ROLL CALL**

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

There were no absences to excuse.

**MINUTES**

Nickel presented the minutes of the July 10, 2012 Board of Director's Meeting and Special Board of Director's meeting and July 17, 2012 Special Board of Director's Meeting.

Moved by Lundeen, seconded by Bilka, to approve the minutes for the July 10, 2012 Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Larson, seconded by Lundeen, to approve the minutes for the July 10, 2012 Special Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Nelson, seconded by Garrelts, to approve the minutes for the July 17, 2012 Special Board of Directors Meeting. Motion carried.

AYE: Bilka, Garrelts, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Bergstrom and Harris

ABSENT: Johnson and Olsen

**FINANCIAL REPORT**

Garrelts presented the financial report for the month of July 2012 as follows:

Accrual Expenditures for Month -----	\$128,387.77
Cash Expenditures for Month-----	\$126,469.94
Accrual Revenues for Month-----	\$38,798.98
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Cash Revenues for Month-----	\$60,700.14
Bank Balance—July 31, 2012-----	\$101,781.07

Accounts Receivable – July 31, 2012-----	\$32,817.30
Investments – July 31, 2012-----	\$200.51

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Investments – Pinnacle Bank – July 31, 2012-----	\$1,001,454.7
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Whiskey Slough IPA Balance – July 31, 2012-----	\$18,482.22
Fort Kearny-West IPA Balance – July 31, 2012-----	\$6,423.64
South Dry Creek IPA Balance – July 31, 2012-----	\$8,221.93
Fort Kearny IPA Balance – July 31, 2012-----	\$11,987.58
North Dry Creek IPA Balance – July 31, 2012-----	\$16,228.89
Sacramento Creek IPA Balance – July 31, 2012-----	\$22,739.20

Moved by Raffety, seconded by Bilka, to accept the July 2012 financial reports and file for audit. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**SPECIAL BILLS**

Thorburn presented the VISA and Brooks tractor rental bills for approval.

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

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Bergstrom, seconded by Garrelts to approve the attorney bill. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**NRCS REPORT**

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

**Activity and Progress Report:** Scheele mentioned 115 EQIP and CSP contracts were written totaling \$2.4 million.

**COST SHARE REPORT**

**Well Abandonment** – Thorburn presented twelve well decommissioning cost-share applications to approve. It was noted that the beginning balance didn't reflect the budgeted amount. *(After the board meeting the beginning balance was examined and found that the balance on the Cost-Share reports was correct, but that a date was incorrect.)* Moved by Winz, seconded by Harris to approve well decommissioning cost-share applications #12-#26. Motion carried.

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AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

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

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented four groundwater transfer requests for Randall Kuck, Rich Diel, GB Bergstrom Farms and KCC Feeding. Thorburn explained the correction to the irrigated acres was due to county assessor error.

Moved by Lundeen, seconded by Raffety to approve a groundwater transfer requests for Randall Kuck, Rich Diel, GB Bergstrom Farms and KCC Feeding and a correction to certified irrigated acres for Sandra Wimmer. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**New Well Variances** – There were no 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**

**Agreement with NDNR to Fund J-2 Re-Regulation Reservoir Project:** Moved by Reynolds, seconded by Garrelts to move to executive session for the protection of the public to discuss contractual matters at 1:51 p.m. Motion carried.

AYE: Bilka, Garrelts. Harris, Larson, Lundeen, Raffety, Reynolds, Winz and Nickel

NAY: Bergstrom and Nelson

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Raffety, seconded by Winz to move out of executive session for the protection of the public to discuss contractual matters at 2:02 p.m. Motion carried.

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AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Bergstrom, seconded by Larson to untable the Agreements with NDNR to Fund J-2 Re-Regulation Reservoir, the Agreement with Nebraska Community Foundation and the Agreement to pay \$475,000. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Lundeen, seconded by Bergstrom to approve the Agreement with NDNR to fund J-2 Re-Regulation Reservoir Project. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Approve Platte Water Project Coalition Agreement with NE Community Foundation:**

Moved by Lundeen, seconded by Bilka to approve the Agreement with the Nebraska Community Foundation. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Authorize Payment of \$475,000 to NE Community Foundation:** Moved by Garrelts, seconded by Larson to approve payment of \$475,000 for the J-2 Re-Regulation Reservoir project when invoiced. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Reynolds, seconded by Winz to authorize Thorburn to sign the J-2 Re-Regulations Reservoir Agreements (3). Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Approve Amendment to the IWMS Agreement:** Thorburn explained this is an amendment to agreement with USDA/NRCS that extends the term to September 2013. All the other terms of the agreement remain the same. Moved by Nelson, seconded by Raffety to approve the amendment to the IWMS Agreement with USDA/NRCS. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Approve FY 2012-2013 Budget:** This agenda item will be addressed when the Budget Hearing is closed.

#### NARD REPORT

**Appoint Delegate, Alternate for NARD Fall Conference:** Moved by Garrelts, seconded by Lundeen to appoint Nelson as delegate and Raffety as alternate to the NARD Fall Conference. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Raffety and Nelson

ABSENT: Johnson and Olsen

**Review NARD Resolutions:** Thorburn explained three resolutions concerning erosion and sediment, NRD conservation compliance authority and Weed management areas (proposed by TBNRD). Reynolds commented that the Weed Management Resolution seemed "open-ended".

Moved by Raffety, seconded by Winz to forward the proposed Weed Management Resolution. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Winz and Nickel

NAY: Reynolds

ABSTAIN: None

Moved by Bergstrom, seconded by Raffety to allow delegates to decide on resolution voting at the NARD Fall Conference. Motion carried.

AYE: Bergstrom, Bilka, Harris, Larson, Lundeen, Nelson, Raffety, Winz and Nickel

NAY: Garrelts and Reynolds

ABSTAIN: None

**Adopt Resolutions for NARD Retirement Plan:** Thorburn explained the NARD Retirement Resolutions amend contribution policies for active duty armed forces.

Moved by Nelson, seconded by Larson to adopt the 414(h) and 457(b) Retirement Resolutions that amend contribution policies for armed forces personnel. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**COMMITTEE REPORTS**

There were no committee reports.

**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):** Thorburn will travel to Maine for the KS vs. NE Trial August 15-24, 2012.

**Platte Basin:** The Governance Committee will meet September 10-11, 2012 in Kearney.

**South Dry Creek:** Landowner is requesting pivot bridges and work is being done on access roads.

**Sacramento Creek:** Work is being done on access roads.

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

**Fort Kearny West:** Nothing to report.

**Fort Kearny:** : Nothing to report.

**North Dry Creek:** : Work is being done on access roads. Garrelts asked for pumping information on North Dry Creek Streamflow Augmentation Project.

**Whiskey Slough:** : Brooks reported the creek is dry.

**Lake Seldom:** Bull rush and cattails being controlled by drought.

**CoHyst/Platte Basin Coalition:** The Platte Basin Coalition, which replaces PBHEP, will meet September 5, 2012. Thorburn asked that Little be designated as alternate delegate. Moved by Garrelts, seconded by Lundeen to designate Nolan Little as alternate delegate to CoHyst. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Weed Management Areas – Riparian Vegetation Task Force:** Airboats were going to spray the Platte River but can't because of low water levels.

**Sand Creek/Little Blue Basin:** Thorburn spoke with two Sand Creek landowners about a land auction.

**CNPPID:** Ford reported Lake McConaughay has an elevation of 3238 ft. and is at 60% capacity.

**UNFINISHED BUSINESS**

**Approve FY 2012-2013 Budget:** Moved by Reynolds, seconded by Bergstrom to approve the FY 2012-2013 Budget. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

Moved by Raffety, seconded by Winz hold a FY 2012-2013 Budget Hearing to set the levy different from the previous year. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**NEW BUSINESS**

**Review Proposed Agreement with CNPPID for Diverting Excess Platte Flows:** Thorburn explained the short-term agreement would divert excess flows in the Platte River after the irrigation season ends. TBNRD costs are split 60/40 with NDNR. Moved by Reynolds, seconded by Garrelts to approve the agreement with CNPPID to divert excess Platte flows. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Consider Whether to Holding Easement for Ducks Unlimited:** Matt Hough, DU, explained that a landowner east of Bertrand wants to restore the wetland by fixing culverts, restoring flows, restoring uplands and installing fences. The property will be taken out of CRP. Ducks Unlimited is proposing TBNRD hold easement, but there would be no gain in certified acres. .

Moved by Raffety, seconded by Larson to approve the Ducks Unlimited Peterson easement agreement. Motion carried.

AYE: Bergstrom, Bilka, Garrelts. Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**Consider Sponsorship of Holdrege Soil Historical Marker:** Thorburn explained the Phelps County Historical Society installing a historical marker for Holdrege Soils. Thorburn showed the style of the marker that would be placed in front of the museum. There would also be an exhibit inside the museum. The Historical Society would like TBNRD to be a sponsor along with Nebraska Soil Scientists, Nebraska Prairie Museum and Landmark Implement. Thorburn proposed \$2,000 budgeted for soil coring be used for the exhibit and Salisbury be allowed to assist in writing a NET grant.



Moved by Garrelts, seconded by Winz to sponsor the Holdrege Soil Marker using \$2,000 budgeted for soil coring. Motion carried.

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AYE: Bergstrom, Bilka, Garrelts, Harris, Larson, Lundeen, Nelson, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: None

ABSENT: Johnson and Olsen

**PERSONNEL & LEGAL MATTERS**

There were no personnel or legal issues to discuss.

**COMMENTS AND CONCERNS**

There were no comments or concerns.

**NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held on Thursday, September 11, 2012 at 7:30 p.m., at Tri-Basin NRD.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:49 p.m.

**DIRECTORS PRESENT**

Brian Bergstrom, Joe Bilka, Todd Garrelts, Ed Harris, Joe Larson, Brad Lundeen, David Nelson, David Nickel, Dave Raffety, Ray Winz and Larry Reynolds.

**OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Dave Ford, Curtis Scheele, Tammy Fahrenbruch, Matt Hough, Dave Beins, Ruth Nielsen, Ron Wunibald, Mason Weissert, Lori Hagan, Tami Reese, Charles Brooks and Nolan Little.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 August 9, 2012

Motion #	Category	Subject	Aye	Nay	Abs	Motion
2012-08-09-01	Meeting Administration		11			Moved by Lundeen, seconded by Bilka, to approve the minutes for the July 10, 2012 Board of Directors Meeting. Motion carried.
2012-08-09-02	Meeting Administration		11			Moved by Larson, seconded by Lundeen, to approve the minutes for the July 10, 2012 Special Board of Directors Meeting. Motion carried.
2012-08-09-03	Meeting Administration		9		2	Moved by Nelson, seconded by Garrelts, to approve the minutes for the July 17, 2012 Special Board of Directors Meeting. Motion carried.
2012-08-09-04	Meeting Administration		11			Moved by Raffety, seconded by Bilka, to accept the July 2012 financial reports and file for audit. Motion carried.
2012-08-09-05	Budget		11			Moved by Reynolds, seconded by Harris to approve the visa bills. Motion carried.
2012-08-09-06	Budget		11			Moved by Bergstrom, seconded by Garrelts to approve the attorney bill. Motion carried.
2012-08-09-07	Meeting Administration		11			Moved by Winz, seconded by Harris to approve well decommissioning cost-share applications #12-#26. Motion carried.
2012-08-09-08	Meeting Administration		11			Moved by Raffety, seconded by Lundeen to approve three NSWCP Cost-share applications. Motion carried.
2012-08-09-09	Certifications & Transfers	Kuck, Diel, Bergstrom, KCC Feeding and Wimmer	11			Moved by Lundeen, seconded by Raffety to approve a groundwater transfer requests for Randall Kuck, Rich Diel, GB Bergstrom Farms and KCC Feeding and a correction to certified irrigated acres for Sandra Wimmer. Motion carried.
2012-08-09-10	Meeting Administration		9	2		Moved by Reynolds, seconded by Garrelts to move to executive session for the protection of the public to discuss contractual matters at 1:51 p.m. Motion carried.
2012-08-09-11	Meeting Administration		11			Moved by Raffety, seconded by Winz to move out of executive session for the protection of the public to discuss contractual matters at 2:02 p.m. Motion carried.

2012-08-09-12	Agreements	J-2	11			Moved by Bergstrom, seconded by Larson to untable the Agreements with NDNR to Fund J-2 Re-Regulation Reservoir, the Agreement with Nebraska Community Foundation and the Agreement to pay \$475,000. Motion carried.
2012-08-09-13	Agreements	J-2	11			Moved by Lundeen, seconded by Bergstrom to approve the Agreement with NDNR to fund J-2 Re-Regulation Reservoir Project. Motion carried.
2012-08-09-14	Agreements	J-2	11			Moved by Lundeen, seconded by Bilka to approve the Agreement with the Nebraska Community Foundation. Motion carried.
2012-08-09-15	Budget	J-2	11			Moved by Garrelts, seconded by Larson to approve payment of \$475,000 for the J-2 Re-Regulation Reservoir project when invoiced. Motion carried.
2012-08-09-16	Agreements	J-2	11			Moved by Reynolds, seconded by Winz to authorize Thorburn to sign the J-2 Re-Regulations Reservoir Agreements (3). Motion carried.
2012-08-09-17	Agreements	IWMS	11			Moved by Nelson, seconded by Raffety to approve the amendment to the IWMS Agreement with USDA/NRCS. Motion carried.
2012-08-09-18	Directors	NARD Delegate	9		2	Moved by Garrelts, seconded by Lundeen to appoint Nelson as delegate and Raffety as alternate to the NARD Fall Conference. Motion carried.
2012-08-09-19	Resolutions & Legislation	Weed Management	10	1		Moved by Raffety, seconded by Winz to forward the proposed Weed Management Resolution. Motion carried.
2012-08-09-20	Resolutions & Legislation	NARD Conference	11			Moved by Bergstrom, seconded by Raffety to allow delegates to decide on resolution voting at the NARD Fall Conference. Motion carried.
2012-08-09-21	Personnel	414(h) & 457(b)	11			Moved by Nelson, seconded by Larson to adopt the 414(h) and 457(b) Retirement Resolutions that amend contribution policies for armed forces personnel. Motion carried.
2012-08-09-22	Personnel	Little as Cohyst alt. delegate	11			Moved by Garrelts, seconded by Lundeen to designate Nolan Little as alternate delegate to CoHyst. Motion carried.
2012-08-09-23	Budget	Budget	11			Moved by Reynolds, seconded by Bergstrom to approve the FY 2012-2013 Budget. Motion carried.
2012-08-09-24	Budget	Budget	11			Moved by Raffety, seconded by Winz hold a FY 2012-2013 Budget Hearing to set the levy different from the previous year. Motion carried.
2012-08-09-25	Agreements	CNPPID excess flows	11			Moved by Reynolds, seconded by Garrelts to approve the agreement with CNPPID to

						divert excess Platte flows. Motion carried.
2012-08-09-26	Agreements	DU Easement	11			Moved by Raffety, seconded by Larson to approve the Ducks Unlimited Peterson easement agreement. Motion carried.
2012-08-09-27	Budget	Holdrege Soil Marker	11			<u>Moved by Garrelts, seconded by Winz to sponsor the Holdrege Soil Marker using \$2,000 budgeted for soil coring. Motion carried.</u>