

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, May 11, 2021, 7:30 p.m.
Tri-Basin Natural Resources District

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Chairman, Bradley Lundeen, at 7:37 p.m. Lundeen noted Public Meeting Law is posted in the boardroom.

ROLL CALL

Roll call was taken with ten directors present: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Raffety, Reynolds, Ryan and Lundeen. Philips, Larson, and Cavanaugh were absent. Notice of the meeting was published in the Holdrege Citizen, Bertrand Herald, Elwood Bulletin and Minden Courier and announced on radio stations KRVN, Lexington and KUVR, Holdrege.

EXCUSE ABSENCES

There were no absences to excuse.

MINUTES

Thorburn presented the minutes of the April 13, 2021 Board of Directors Meeting and April 16, 2021 Planning Committee Committees. Moved by Garrelts, seconded by Raffety, to approve the minutes for the April 13, 2021 Board of Directors meeting. Motion carried.

AYE: Bergstrom, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: Bilka

ABSENT: Philips, Larson, and Cavanaugh

Moved by Ryan, seconded by Bergstrom, to approve the minutes for the April 16, 2021 Planning Committee. Motion carried unanimously.

FINANCIAL REPORT

Hinrichs presented the financial report for the month of April 2021 as follows:

Accrual Expenditures for Month -----	\$79,170.20
Cash Expenditures for Month-----	\$224,405.23
Accrual Revenues for Month-----	\$45,948.47
Cash Revenues for Month-----	\$196,687.88
Bank Balance–April 30, 2021-----	\$69,851.24
Accounts Receivable – April 30, 2021-----	\$81,126.09
Investments – Pinnacle Bank – April 30, 2021-----	\$114,566.72
Building Sinking Fund – April 30, 2021-----	\$185,280.98
Vehicle Sinking Fund – April 30, 2021-----	\$93,562.51
Water Resources Fund – April 30, 2021-----	\$614,052.96
Whiskey Slough IPA Balance – April 30, 2021-----	\$2,030.40
Fort Kearny-West IPA Balance – April 30, 2021-----	\$5,092.80
South Dry Creek IPA Balance – April 30, 2021-----	\$7,595.48
Fort Kearny IPA Balance – April 30, 2021-----	\$8,960.29
Sacramento Creek IPA Balance – April 30, 2021-----	\$6,749.80
North Dry Creek IPA Balance – April 30, 2021-----	\$8,308.23
Water Jamboree – April 30, 2021-----	\$11,278.99
NR MDMA – April 30, 2021-----	\$7,636.36
Odessa IPA – April 30, 2021-----	\$19,306.59

Moved by Bergstrom, seconded by Grimes, to approve the April 2021 Financial Report, and submit for audit. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

SPECIAL BILLS

Thorburn presented the VISA, attorney and HDR bills for approval. Moved by Harris, seconded by Bergstrom, to approve the VISA, attorney and HDR bills. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

NRCS REPORT

FSA Farm Plans: There were no farm plans to approve.

Activity and Progress Report: Kerner wasn't present to give report.

COST SHARE REPORT

Well Abandonment – Thorburn presented four well decommissioning cost-share applications to approve. Moved by Bilka, seconded by Reynolds, to approve four well decommissioning cost-share applications. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

NSWCP & NRD Applications – Thorburn presented two NSWCP, one NE Bufferstrip Application and two TBNRD cost-share applications to approve. Moved by Garrelts, seconded by Bilka, to approve two NSWCP, one Nebraska Bufferstrip application and two TBNRD cost-share applications. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

GROUNDWATER MANAGEMENT

Groundwater, Certified Acre Transfers & WCIP - Thorburn presented five irrigated acre transfers requests to approve (Charity Fields (2) and Evans (3)) and a WCIP application for D&B Wohlgemuth. Drake Johnson, Harold Smith and Josh Evans were present to answer questions. Thorburn gave an updated total of WCIP acres.

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Moved by Garrelts, seconded by Raffety to approve a WCIP application (D&B Wohlgemuth) and irrigated acre transfers for Charity Field Farms (2) and Joshua Evans (3). Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

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. Terry Sorensen thanked the board for the opportunity to participate in committee meetings and commented on the confusion surrounding saturated thickness with area landowners.

UNFINISHED BUSINESS

Consider Revising Groundwater Management Rules: Thorburn reviewed changes to the Groundwater Management Rules. Blankenau renumbered the rules and regulations and re-wrote the regulations concerning violators and cease and desist rules. Thorburn explained that this version of the rules incorporated changes recommended by the Planning Committee. Thorburn presented information on saturated thickness for each township in the Little Blue Basin that was different from the information presented at the Planning Committee Meeting because, he believes that saturated thickness should be based on an historic number, so average saturated thickness of pre-1986 wells was used in new calculations. Thorburn suggested managing the four complete townships individually and grouping partial townships because of limited data available. The Planning Committee recommended that in the Little Blue Basin only, an allocation of 40 acre-inches per acre over five years for Phase III, with the option to pool, with a five-inch bank to start the first five-year allocation. After the first five-year allocation landowners could carry over a maximum of eight inches to the next allocation period. There was discussion about saturated thickness. Sorensen commented that saturated thickness is difficult to understand and that landowners don't want to drop ten feet below 1981-1985 levels. Bergstrom commented that the other two basins are regulated by the State of Nebraska and the Republican Basin Compact, and the Little Blue Basin isn't, which gives TBNRD more latitude to set triggers. Garrelts asked for a new chart showing the actual drop in feet from the average saturated thickness. Reynolds commented that he is reluctant to approve a trigger based on saturated thickness because he doesn't believe the ramifications are fully understood. There was discussion about the difference between pre-1986 average saturated thickness and the numbers presented at the Planning Committee meeting.

Moved by Reynolds, seconded by Grimes, to approve the changes to the Groundwater Management Rules and Regulations for hearing except for the changes related to the Little Blue Basin (8.2.C.D). Motion failed.

AYE: Bergstrom, Grimes, Harris and Reynolds

NAY: Bilka, Garrelts, Hinrichs, Ryan and Lundeen

ABSTAIN: Raffety

ABSENT: Philips, Larson, and Cavanaugh

Grimes offered a friendly amendment to the following motion that saturated thickness be reduced from 10% to 5% which failed for lack of second.

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Moved by Ryan, seconded by Bilka, to approve the changes to the Groundwater Management Rules and Regulations as recommended by the Planning Committee and revised by Blankenau and hold a public hearing. Motion failed.

AYE: Bergstrom, Bilka, Hinrichs, Ryan and Lundeen

NAY: Garrelts, Grimes, Harris, Raffety and Reynolds

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

Moved by Bilka, seconded by Garrelts, to approve the changes to the Groundwater Management Rules and Regulations revised by Blankenau/Thorburn and as recommended by the Planning Committee, except changing the baseline used to calculate saturated thickness to “Average Saturated Thickness of Pre-1986 Wells” and hold a public hearing. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Hinrichs, Raffety, Ryan and Lundeen

NAY: Grimes, Harris, and Reynolds

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

Honor Phyllis Johnson for 26 Years as NRD Director: Thorburn presented Phyllis Johnson an award and gift for 26 years of service.

NARD REPORT

NARD Report: Reynolds presented a draft letter concerning Executive Order #10048. Reynolds proposed that the letter be sent to NARD and state senators. Raffety asked that Thorburn and Reynolds collaborate on adding information about conservation TBNRD has done. Moved by Reynolds, seconded by Bilka to adopt Reynold’s letter opposing Executive Order #10048, add information about TBNRD’s conservation contributions and mail to NARD and state Senators and Congressmen. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

COMMITTEE REPORTS

Planning Committee: This item was addressed under other agenda items.

STAFF REPORTS & NECESSARY ACTION

Board Directives to Staff: Nothing to report.

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

MONTHLY REPORTS

Republican Basin: Republican Basin NRD’s Integrated Management Plans are progressing.

Platte Basin: Annual meeting will be held by zoom in July.

Sand Creek/Little Blue Basin: Nothing to report.

North Dry Creek: Nothing to report.

Odessa IPA: Nothing to report.
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Sacramento Creek: Nothing to report.

Fort Kearny: Nothing to report.

Fort Kearny West: Nothing to report.

South Dry Creek: Culverts were installed.

Whiskey Slough: Nothing to report.

Middle Lost Creek: Nothing to report.

Lake Seldom: Nothing to report.

CoHyst/Platte Basin Coalition: Nothing to report.

Rainwater Basin Joint Venture: Nothing to report.

Platte-Republican Diversion & Republican Basin Augmentation Well: The response by objectors was received and a hearing will be held July 19, 2021 in Lincoln.

CNPPID: Scott Dicke reported Lake McConaughy is at 76% capacity and he mentioned a new syphon will be installed on E-65 going into Elwood Reservoir. Thorburn asked him to make a presentation at the next board meeting.

NEW BUSINESS

Change June Board Meeting Date: Moved by Raffety, seconded by Bilka to change the June board meeting from June 8th at 7:30 p.m. to June 3rd, 2021 at 1:30 p.m. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

Approve Revised Conditional Well Permit Form: Thorburn presented the revised form for a new or conditional well which the Planning Committee recommend approval. Moved by Garrelts, seconded by Bilka to approve the revised form for a new or conditional replacement well permit. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

Proposed Willa Cather National Heritage Area: Reynolds commented on the National Park's effort to include a large portion of south-central Nebraska in the Willa Cather National Heritage Area. Moved by Reynolds, seconded by Raffety to oppose TBNRD being a part of the Willa Cather National Heritage Area. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh
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COMMENTS AND CONCERNS

Bilka commented that he would like to have Tom Downey make a presentation at the next board meeting.

PERSONNEL AND LEGAL MATTERS

Moved by Reynolds, seconded by Bilka to move to executive session at 10:02 p.m. for the protection of the public to discuss legal matters. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

Moved by Bilka, seconded by Hinrichs to move out of executive session at 10:05 p.m. for the protection of the public to discuss legal matters. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Grimes, Harris, Hinrichs, Lundeen, Raffety, Reynolds and Ryan

NAY: None

ABSTAIN: None

ABSENT: Philips, Larson, and Cavanaugh

NEXT BOARD MEETING

TBNRD Regular Board Meeting will be held on Thursday, June 3, 2021, at 7:30 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:07 p.m.

DIRECTORS PRESENT

Brian Bergstrom, Joe Bilka, Todd Garrelts, David Grimes, Ed Harris, Rob Hinrichs, Dave Raffety, Larry Reynolds, Jeff Ryan, and Brad Lundeen

OTHERS PRESENT

John Thorburn, Sasha Hahn, Scott Dicke, Nolan Little (Zoom) , Tammy Fahrenbruch Carie Lynch, Tim Johnson, Terry Sorensen, Drake Johnson, Dale Needham, Harold Smith, Phyllis Johnson and Josh Evans.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
 TRI-BASIN NATURAL RESOURCES DISTRICT
 BOARD OF DIRECTORS MEETING
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ID	Motion #	Category	Subject	Aye	Nay	Abstain	
	2021-03-09-01	Meeting Administration		10		1	
	2021-03-09-02	Meeting Administration					
	2021-03-09-03	Meeting Administration		11			
	2021-03-09-04	Budget		11			
	2021-03-09-05	Meeting Administration		11			
	2021-03-09-06	Meeting Administration		11			
	2021-03-09-07	Certification & Transfers		10		1	
	2021-03-09-08	Certification & Transfers		11			
	2021-03-09-09	Projects		11			
	2021-03-09-10	Resolutions & Legislation		11			