

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, October 14, 2014, 7:30 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 Chairman David Nickel, at 7:30 p.m. Olsen noted Public Meeting Law is posted in the boardroom.

**ROLL CALL**

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

There were no absences to excuse.

**MINUTES**

Thorburn presented the minutes of the September 9, 2014 Board Meeting and Budget Hearing.

Moved by Johnson, seconded by Lundeen, to approve the minutes for the September 9, 2014 Regular Board of Directors Meeting and Budget Hearing. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**FINANCIAL REPORT**

Thorburn presented the financial report for the month of September 2014 as follows:

Accrual Expenditures for Month -----	\$97,978.15
Cash Expenditures for Month-----	\$102,030.96
Accrual Revenues for Month-----	\$320,302.43
Cash Revenues for Month-----	\$320,266.75
Bank Balance–September 30, 2014-----	\$523,921.66
Accounts Receivable – September 30, 2014-----	\$5,943.57
Investments – Pinnacle Bank – September 30, 2014-----	\$610,574.41
Whiskey Slough IPA Balance – September 30, 2014-----	\$18,802.16
Fort Kearny-West IPA Balance – September 30, 2014-----	\$9,078.10
South Dry Creek IPA Balance – September 30, 2014-----	\$10,499.26
Fort Kearny IPA Balance – September 30, 2014-----	\$11,480.67
North Dry Creek IPA Balance – September 30, 2014-----	\$16,201.68
Sacramento Creek IPA Balance – September 30, 2014-----	\$22,552.00
Water Jamboree – September 30, 2014-----	\$5,570.70
NRRMDA – September 30, 2014-----	\$7,622.11

Nelson asked staff to look into putting excess IPA funds into a certificate of deposit to earn more interest. Moved by Lundeen, seconded by Larson, to accept the September 2014 financial reports and file for audit. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**SPECIAL BILLS**

Thorburn presented the VISA and attorney bills for approval. Moved by Nelson, seconded by Winz to approve the visa and attorney bills. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**NRCS REPORT**

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

**Activity and Progress Report:** Breece reported on NRCS contracts.

**COST SHARE REPORT**

**Well Abandonment** – There were no well decommissioning cost-share applications to approve.

**NSWCP & NRD Applications** – Thorburn presented three NSWCP cost-share applications to approve.

Moved by Larson, seconded by Johnson to approve three NSWCP cost-share applications. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented two special requests for corrections to certified irrigated acres. Chuck Tomsen spoke on behalf of Margaret Christensen. Richard Sullwold was present to answer questions. Thorburn explained that Christensen has been paying taxes on irrigated acres that don't have an irrigation history. At the time of certification, there was confusion as to whether the acres had been irrigated.

Moved by Raffety, seconded by Nelson to approve an exception to TBNRD policy and allow a correction of 139.15 certified irrigated acres for Margaret Christensen, Trustee. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

Moved by Nelson, seconded by Reynolds to provide a correction of certified irrigated acres for Richard Sullwold. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**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. Lee Wells provided Nebraska Dept. of Roads Policy for review.

**UNFINISHED BUSINESS**

**2013 NRD Audit Report (Tonniges):** Rachel Skeen and Randy Tonniges, auditor for Tonniges and Associates presented the 2013-2014 TBNRD audit and financial report for review by the board.

Moved by Johnson, seconded by Raffety to approve the 2013-2014 TBNRD Audit and file with the State of Nebraska. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**Review Republican Basin Augmentation Well Estimate:** Thorburn presented estimates for the Republican Basin Augmentation observation and production wells from Holdrege Well Service. The estimates apply to any of the sites being considered, although there are other considerations for each site. The electrical hookup for the Holen site is estimated at over \$5,000, with the other sites costing more. Once the board approves the estimates, public hearings will be held. Nickel suggested getting the easements signed prior to approving the estimates.

**Review Copier Lease Agreement:** Thorburn presented a proposal for a new copier lease. The new lease is less than the previous lease. Lundeen suggested comparing the cost of purchasing the copier to the proposed lease cost. *Note – After the meeting, it was determined that there would be significant savings if the copier was purchased (\$3000-\$4500 including trade in value at the end of five years). The cost of the maintenance agreement is the same regardless of whether the unit is purchased or leased.*

Moved by Reynolds, seconded by Johnson to approve the copier lease and service agreement from Eakes Office Solutions and allow Thorburn to the purchase the copier, if there is significant cost difference. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**NARD REPORT**

**NARD Fall Conference:** Reynolds reported that Johnson and Nickel were recognized for 25 years of service at the conference. Reynolds reported on two presentations: NDNR Insights and EPA's proposed revision to the regulatory definition of "Waters of the U.S.". Reynolds suggested the board and CNPPID hear the NDNR Insights presentation. Thorburn will arrange for the presentation to be given. Raffety commented on the EPA and COE Waters of the US Proposal.

**COMMITTEE REPORTS**

**Planning Committee:** Thorburn suggested holding a Planning Committee meeting on Wednesday, November 12, 2015 at 9 a.m. to discuss Groundwater Management Rules and chemigation regulations.

**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 (NRRMDA):** Oral arguments for the KS vs. NE lawsuit are being made in the U.S. Supreme Court.

**Platte Basin:** Land Advisory Committee conference call will be held Monday, October 20, 2014 at 2 p.m.

**South Dry Creek:** Mowing and weed/tree spraying was done.

**Sacramento Creek:** Mowing and weed/tree spraying was done.

**Middle Lost Creek:** Mowing and weed/tree spraying was done.

**Fort Kearny West:** Mowing and weed/tree spraying was done.

**Fort Kearny:** Mowing and weed/tree spraying was done.

**North Dry Creek:** Mowing and weed/tree spraying was done.

**Whiskey Slough:** Mowing and weed/tree spraying was done.

**Odessa IPA:** Ostgren Construction will begin work in November.

**Lake Seldom:** Nothing to report

**CoHyst/Platte Basin Coalition:** PBHEP is done.

**Sand Creek/Little Blue Basin:** Thorburn will attend a water quality study meeting on October 30, 2014.

**CNPPID:** Thorburn mentioned CNPPID will be holding property acquisition meetings for the J-2 Project and presented a meeting schedule. Trompke presented an informational booklet about the J-2 Project and reported Johnson Lake is being dropped so work can be done on fisherman platforms.

**NEW BUSINESS**

**EPA and COE Revised “Waters of the U.S.” Rule:** Thorburn presented information about US Waters Rule. The proposed rule would change the requirements for 404 permitting. Costs and 404 permitting time would be expanded and it also includes a new migratory bird rule. Thorburn said the brief to be submitted by the Groundwater Management Coalition, shows the rule goes against Supreme Court precedent. He suggested the board oppose the rule and write a letter in support of the Groundwater Management Coalition brief after consulting with counsel.

Moved by Reynolds, seconded by Lundeen to oppose the proposed revisions to the “Waters of the U.S.” rule and write a letter supporting the brief written by the Groundwater Management Coalition after consulting with legal counsel. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**PERSONNEL & LEGAL MATTERS**

Moved by Winz, seconded by Johnson to move to executive session for the protection of the public and an individual to discuss contract negotiations and a personnel issue at 8:55 p.m. with Jeff Cox and Don Holen present. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

Moved by Johnson, seconded by Winz to move out of executive session for the protection of the public and an individual to discuss contract negotiations and a personnel issue at 9:53 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

Moved by Reynolds, seconded by Lundeen to send a letter regarding Tri-Basin NRD's support for the "willing buyer, willing seller" principle in the Platte River Recovery and Implementation Program to Dudley Nelson, Jerry Kenny and CCBD after getting advice from legal counsel before sending. Motion carried.

AYE: Harris, Larson, Nelson, Raffety, Reynolds and Winz

NAY: Johnson and Lundeen

ABSTAIN: Nickel

ABSENT: Bergstrom, Bilka, Garrelts and Olsen

**COMMENTS AND CONCERNS**

There were no comments or concerns.

**NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held 7:30 p.m., on Thursday, November 13, 2014 at Tri-Basin NRD

**ADJOURNMENT**

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

**DIRECTORS PRESENT**

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

**OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Tammy Fahrenbruch, Marcia Trompke, Charles Brooks, Nolan Little, Randy Tonniges, Rachal Skeen, Kevin Breece, Lee Wells, Richard Sullwold, Charles Tomsen, Margaret Christensen, Nancy Tomsen, Don Holen and Jeff Cox.

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Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 October 14, 2014

ID	Motion #	Category	Subject	Aye	Nay	Abs	Motion
	2014-10-14-01	Meeting Administration		9			Moved by Johnson, seconded by Lundeen, to approve the minutes for the September 9, 2014 Regular Board of Directors Meeting and Budget Hearing. Motion carried.
	2014-10-14-02	Meeting Administration		9			Moved by Lundeen, seconded by Larson, to accept the September 2014 financial reports and file for audit. Motion carried.
	2014-10-14-03	Budget		9			Moved by Nelson, seconded by Winz to approve the visa and attorney bills. Motion carried.
	2014-10-14-04	Meeting Administration		9			Moved by Larson, seconded by Johnson to approve three NSWCP cost-share applications. Motion carried.
	2014-10-14-05	Certifications & Transfers	Margaret Christensen Exception	9			Moved by Raffety, seconded by Nelson to approve an exception to TBNRD policy and allow a correction of 139.15 certified irrigated acres for Margaret Christensen, Trustee. Motion carried.
	2014-10-14-06	Certifications & Transfers	Sullwold	9			Moved by Nelson, seconded by Reynolds to provide a correction of certified irrigated acres for Richard Sullwold. Motion carried.
	2014-10-14-07	Budget		9			Moved by Johnson, seconded by Raffety to approve the 2013-2014 TBNRD Audit and file with the State of Nebraska. Motion carried.
	2014-10-14-08	Budget		9			Moved by Reynolds, seconded by Johnson to approve the copier lease and service agreement from Eakes Office Solutions and allow Thorburn to the purchase the copier, if there is significant cost difference. Motion carried.

2014-10-14-09	Policies – By-Laws	Waters of the US rule	9			Moved by Reynolds, seconded by Lundeen to oppose the proposed revisions to the “Waters of the U.S.” rule and write a letter supporting the brief written by the Groundwater Management Coalition after consulting with legal counsel. Motion carried.
2014-10-14-10	Meeting Administration		9			Moved by Winz, seconded by Johnson to move to executive session for the protection of the public and an individual to discuss contract negotiations and a personnel issue at 8:55 p.m. with Jeff Cox and Don Holen present. Motion carried.
2014-10-14-11	Meeting Administration		9			Moved by Johnson, seconded by Winz to move out of executive session for the protection of the public and an individual to discuss contract negotiations and a personnel issue at 9:53 p.m. Motion carried.
2014-10-14-12	Policies – By-Laws	PRRIP – Willing seller	9			Moved by Reynolds, seconded by Lundeen to send a letter regarding Tri-Basin NRD’s support for the “willing buyer, willing seller” principle in the Platte River Recovery and Implementation Program to Dudley Nelson, Jerry Kenny and CCBD after getting advice from legal counsel before sending. Motion carried.