

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, November 12, 2013, 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 7:32 p.m. Nickel noted Public Meeting Law is posted in the boardroom.

ROLL CALL

Roll call was taken with ten directors present: Bergstrom, Harris, Johnson, Larson, Lundeen, Nelson, Nickel, Olsen, Reynolds and Winz. Bilka, Garrelts and Raffety 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 October 8, 2013 Board Meeting and October 31, 2013 Special Board meeting (Planning Committee).

Moved by Johnson, seconded by Olsen, to approve the minutes for the October 8, 2013 Regular Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Harris, Johnson, Lundeen, Nelson, Nickel, Olsen, Reynolds and Winz

NAY: None

ABSTAIN: Larson

ABSENT: Bilka, Garrelts and Raffety

Moved by Johnson, seconded by Larson, to approve the minutes for the October 31, 2013 Special Board Meeting. Motion carried.

AYE: Bergstrom, Johnson, Larson, Lundeen, Nelson, Nickel, Reynolds and Winz

NAY: None

ABSTAIN: Harris and Olsen

ABSENT: Bilka, Garrelts and Raffety

FINANCIAL REPORT

Thorburn presented the financial report for the month of October 2013 as follows:

Accrual Expenditures for Month -----	\$75,999.64
Cash Expenditures for Month-----	\$75,127.46
Accrual Revenues for Month-----	\$74,820.19
Cash Revenues for Month-----	\$80,714.46
Bank Balance–October 31, 2013-----	\$399,797.15
Accounts Receivable – October 31, 2013-----	\$1,344.48
Investments – Pinnacle Bank – October 31, 2013-----	\$704,435.15
Whiskey Slough IPA Balance – October 31, 2013-----	\$19,114.69
Fort Kearny-West IPA Balance – October 31, 2013-----	\$7,976.75
South Dry Creek IPA Balance – October 31, 2013-----	\$8,540.13
Fort Kearny IPA Balance – October 31, 2013-----	\$11,750.64
North Dry Creek IPA Balance – October 31, 2013-----	\$16,010.99
Sacramento Creek IPA Balance – October 31, 2013-----	\$23,013.11
Water Jamboree – October 31, 2013-----	\$1,743.76
NRRMDA – October 31, 2013-----	\$7,772.86

Moved by Lundeen, seconded by Olsen, to accept the October 2013 financial reports and file for audit. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

SPECIAL BILLS

Thorburn presented the VISA, HDR, NRRMDA, CNPPID and attorney bills for approval. The CNPPID bill will be considered for approval under a different agenda item. Moved by Winz, seconded by Larson to approve the visa and attorney bills. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Moved by Bergstrom, seconded by Lundeen to approve the HDR bill. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Moved by Lundeen, seconded by Olsen to approve the NRRMDA bill. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

NRCS REPORT

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

Activity and Progress Report: There was no activity and progress report.

COST SHARE REPORT

Well Abandonment – Thorburn presented fourteen Well Decommissioning Cost-Share applications. Moved by Winz, seconded by Larson to approve Well Decommissioning Cost-share applications #53 to #66. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

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

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Educational Land Leases – There were no educational land leases to approve.

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – Thorburn presented seven irrigated acre transfer requests for Nancy Morse, UBKG Tomsen, James Tomsen Rev. Trust (2), Betty Kempf, Richard Hinson and Dennis Echtenkamp, a request for correction to certified irrigated acres due to assessor correction for Duane Davison Trustee and a well variance for James Tomsen Rev. Trust. James Tomsen, Bob and Ada Hinson, Dennis Hinson, Brett Hinson, and Rich Krohn were present to answer questions.

Moved by Reynolds, seconded by Olsen to approve certified irrigated acre transfer requests for Nancy Morse, UBKG Tomsen, James Tomsen Rev. Trust (2), Betty Kempf, Richard Hinson and Dennis Echtenkamp, a correction to certified irrigated acres for Duane Davison and a well variance for James Tomsen Rev. Trust. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

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 offered historical pictures and data on property located in the Odessa IPA. Wells will provide info and pictures to TBNRD with legal counsel present.

UNFINISHED BUSINESS

Phase III GQMA Rules: Thorburn explained the Planning Committee recommendations. The meeting was advertised as a Special Board Meeting, but was treated as a committee meeting. Thorburn mentioned Gosper County landowners were present at the October 8, 2013 Board of Directors meeting to express concern about current and future allocations. Lundeen commented that some NRDs allow landowners to transfer allocation between parcels. Thorburn commented that allowing landowners to transfer between parcels could be a problem because, on some sections, the well cannot physically pump the entire allocation and on other parcels the well has a higher pumping capacity which could result in increased water use. Winz commented that the language in the motion concerning the penalty associated with using a portion of the next allocation needed clarification. Thorburn explained that if a landowner chooses to use part of the 2015-017 allocation he would lose one inch of water in addition to every inch used.

Moved by Johnson, seconded by Nelson to accept the Planning Committee recommendation to: 1. Keep the current three-year allocation in place, 2. Set the 2015-2017 allocation at twenty-seven inches per acre 3. Allow landowners to borrow from the 2015-2017 allocation but impose a penalty so that for each inch of the allocation that is used an additional inch of water is deducted from their allocation. (the wording was revised from committee recommendation) 4. Not allow borrowing from the 2018-2021 allocation 5. Impose a cease and desist order on violators and 6. Allow landowners to carry over a maximum of one year of remaining allocation into the next allocation period. Motion carried.

AYE: Bergstrom, Harris, Johnson, Larson, Nelson, Nickel, Olsen and Reynolds

NAY: Lundeen and Winz

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Prioritize Cost-Share for Soil Moisture Sensors in Phase III GQMA Areas: Thorburn explained that soil moisture sensor cost-share is limited to one -\$300 maximum (50%) cost-share per landowner per year. Thorburn explained that that NSWCP funding is available and the rate could be higher for Phase III landowners.

Moved by Reynolds, seconded by Bergstrom to accept the Planning Committee Recommendation to cost-share through NSWCP on soil moisture sensors at fifty percent, up to a maximum payout of \$300 per parcel (\$3500 per landowner, per year limit applies) only in Phase III Groundwater Quantity Management areas. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Consider Revising Policy on Corrections of Certified Irrigated Acres: Thorburn explained the two Planning Committee recommendations: To stop corrections to irrigated acres and to not require repayment of back taxes (Kearney County will not collect back-taxes, so that make the rule inequitable to landowners in Gosper and Phelps counties). Thorburn commented that the motion should have stated that requests from landowners would be stopped but not corrections from assessor.

Moved by Reynolds, seconded by Lundeen to continue to accept corrections to irrigated acres but add the requirement of providing proof of irrigation history in three of the last five years. Motion carried.

AYE: Bergstrom, Harris, Larson, Lundeen, Nickel, Olsen, Reynolds and Winz

NAY: Johnson and Nelson

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Moved by Bergstrom, seconded by Lundeen to accept the Planning Committee's recommendation to no longer require payment of back taxes on corrections to certified irrigated acres. Motion carried.

AYE: Bergstrom, Johnson, Larson, Lundeen, Nelson, Nickel, Olsen and Reynolds

NAY: Harris and Winz

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Consider Budget Revisions to Pay CNPPID Bills: Thorburn presented two bills for diversion of CNPPID floodwaters. Thorburn recommended that funds designated for the CNPPID lease (\$58,156) and Cash Reserve be used for funding the CNPPID floodwater diversion of excess flows.

Moved by Lundeen, seconded by Winz to use funding designated for the CNPPID Lease (\$58,156) and Cash Reserve (\$205,043.34) to pay for two CNPPID invoices (Diversion into Phelps Canal - \$19,450 and diversion into Elwood Reservoir and E-65 (\$243,749.34) and approve for payment. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

NARD REPORT

Reynolds reported on the health of the NARD Risk Pool and NARD retirement Plan. Thorburn mentioned the NARD will be asking for a contribution to a permanent exhibit (Nebraska Building) at the state fair park which will be open year round. The requested contribution is \$25,000 or \$1,000 from each district. Reynolds mentioned the Water Sustainability Task Force will hold a meeting in Kearney on November 21st and 22nd, 2013. Nickel asked Thorburn to email directors about the meeting schedule for the Water Funding Task Force.

COMMITTEE REPORTS

Planning Committee Meeting: Thorburn explained that Elk Creek Township could enter into Phase III Groundwater Quantity Management in 2014 so a meeting has been set with the City of Arapahoe on November 18, 2013 to discuss the situation and potential impacts on their municipal well field. LRNRD has been notified of the meeting.

STAFF REPORTS & NECESSARY ACTION

Board Directives to Staff: There was no staff report.

Out-of-State Travel: None

MONTHLY REPORTS

Republican Basin (NRRMD): NRRMDA will hold a public meeting on November 20, 2013 at 1 pm in McCook to discuss the 2014 Republican Basin Water Forecast.

Platte Basin: Nothing to report.

South Dry Creek: Nothing to report.

Sacramento Creek: Nothing to report.

Middle Lost Creek: CNPPID, NGPC, USF&W and RWJV meet last week to discuss floodwater diversions into wetlands.

Fort Kearny West: Nothing to report.

Fort Kearny: Nothing to report.

North Dry Creek: Potential beaver trapper found.

Whiskey Slough: Nothing to report.

Odessa IPA: Miller and Associates, Kyle Dutcher will report on engineering.

Lake Seldom: Nothing to report.

CoHyst/Platte Basin Coalition: Platte Basin Coalition meets Dec. 2, 2013.

Sand Creek/Little Blue Basin: Directors met with Sand Creek landowner.

CNPPID: Trompke reported Lake McConaughay is at 50.8% capacity. She also reported on floodwater diversion: Phelps Canal – 9787 acre feet diverted, E-65 Canal – 15,019 diverted and Elwood Reservoir – 12, 385 diverted. Elwood Reservoir had a 12.3 foot raise in levels. Water quality sampling of floodwaters revealed that there was minimal contamination.

NEW BUSINESS

Possible Well Permit Condition Violation: Agenda item will be discussed in executive session.

PERSONNEL & LEGAL MATTERS

Moved by Nelson, seconded by Larson to move to executive session for the protection of the public to discuss contractual matters at 8:43 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

Moved by Raffety, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 9:55 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts and Raffety

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 12, 2013 at Tri-Basin NRD, Holdrege, NE

ADJOURNMENT

There being no further business, the meeting adjourned at 9:57 p.m.

DIRECTORS PRESENT

Brian Bergstrom, Ed Harris, Phyllis Johnson, Joe Larson, Brad Lundeen, David Nelson, David Nickel, David Olsen, Larry Reynolds and Ray Winz.

OTHERS PRESENT

Carie Lynch, John Thorburn, Nicole Salisbury, Marcia Trompke, Tammy Fahrenbruch, Nolan Little, James Tomsen, Bob Hinson, Ada Hinson, Dennis Hinson, Brett Hinson, Lee Wells, Rich Krohn.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

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

ID	Motion #	Category	Subject	Aye	Nay	Abs	Motion
	2013-11-12-01	Meeting Administration		9		1	Moved by Johnson, seconded by Olsen, to approve the minutes for the October 8, 2013 Regular Board of Directors Meeting. Motion carried.
	2013-11-12-02	Meeting Administration		8		2	Moved by Johnson, seconded by Larson, to approve the minutes for the October 31, 2013 Special Board Meeting. Motion carried.
	2013-11-12-03	Meeting Administration		10			Moved by Lundeen, seconded by Olsen, to accept the October 2013 financial reports and file for audit. Motion carried.
	2013-11-12-04	Budget		10			Moved by Winz, seconded by Larson to approve the visa and attorney bills. Motion carried.
	2013-11-12-05	Budget		10			Moved by Bergstrom, seconded by Lundeen to approve the HDR bill. Motion carried.
	2013-11-12-06	Budget		10			Moved by Lundeen, seconded by Olsen to approve the NRRMDA bill. Motion carried.
	2013-11-12-07	Meeting Administration		10			Moved by Winz, seconded by Larson to approve Well Decommissioning Cost-share applications #53 to #66. Motion carried.
	2013-11-12-08	Meeting Administration		10			Moved by Lundeen, seconded by Johnson to approve three NSWCP Cost-share applications. Motion carried.
	2013-11-12-09	Certifications & Transfers	Morse, UBKG Tomsen, Kempf, Hinson, Echtenkamp, Davison, and Tomsen	10			Moved by Reynolds, seconded by Olsen to approve certified irrigated acre transfer requests for Nancy Morse, UBKG Tomsen, James Tomsen Rev. Trust (2), Betty Kempf, Richard Hinson and Dennis Echtenkamp, a correction to certified irrigated acres for Duane Davison and a well variance for James Tomsen Rev. Trust. Motion carried.
	2013-11-12-10	District Plans & Programs	Set allocation, borrowing	8	2		Moved by Johnson, seconded by Nelson to accept the Planning

			from allocation in Phase III and cease and desist				Committee recommendation to: 1. Keep the current three-year allocation in place, 2. Set the 2015-2017 allocation at twenty-seven inches per acre 3. Allow landowners to borrow from the 2015-2017 allocation but impose a penalty so that for each inch of the allocation that is used an additional inch of water is deducted from their allocation, (the wording was revised from committee recommendation) 4. Not allow borrowing from the 2018-2021 allocation 5. Impose a cease and desist order on violators and 6. Allow landowners to carry over a maximum of one year of remaining allocation into the next allocation period. Motion carried.
2013-11-12-11	District Plans & Programs	NSWCP Soil Moisture Sensors	10				Moved by Reynolds, seconded by Bergstrom to accept the Planning Committee Recommendation to cost-share through NSWCP on soil moisture sensors at fifty percent, up to a maximum payout of \$300 per parcel (\$3500 per landowner, per year limit applies) only in Phase III Groundwater Quantity Management areas. Motion carried.
2013-11-12-12	District Plans & Programs	Corrections to certified acres	8	2			Moved by Reynolds, seconded by Lundeen to continue to accept corrections to irrigated acres but add the requirement of providing proof of irrigation history in three of the last five years. Motion carried.
2013-11-12-13	District Plans & Programs	Payment of back taxes on corrections to certified irrigated acres	8	2			Moved by Bergstrom, seconded by Lundeen to accept the Planning Committee's recommendation to no longer require payment of back taxes on corrections to certified irrigated acres. Motion carried.
2013-11-12-14	Budget	CNPPID Floodwater Diversion payment	10				Moved by Lundeen, seconded by Winz to use funding designated for the CNPPID Lease (\$58,156) and Cash Reserve (\$205,043.34) to pay for two CNPPID invoices (Diversion into Phelps Canal - \$19,450 and diversion into Elwood Reservoir and E-65 (\$243,749.34) and approve for payment. Motion carried.
2013-11-12-15	Meeting Administration		10				Moved by Nelson, seconded by Larson to move to executive session for the protection of the public to

							discuss contractual matters at 8:43 p.m. Motion carried.
	2013-11-12-16	Meeting Administration		10			Moved by Raffety, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 9:55 p.m. Motion carried.