

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, November 10, 2015, 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 Olsen, at 7:30 p.m. Olsen noted Public Meeting Law is posted in the boardroom.

**ROLL CALL**

Roll call was taken with eleven directors present: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz. Garrelts and Johnson 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 October 13, 2015, Board of Directors Meeting. Moved by Bilka, seconded by Larson, to approve the minutes for the October 13, 2015 Board of Directors Meeting and public hearings. Motion carried.

AYE: Bilka, Cavanaugh, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: Bergstrom and Harris

ABSENT: Garrelts and Johnson

**FINANCIAL REPORT**

Bilka presented the financial report for the month of October 2015 as follows:

Accrual Expenditures for Month -----	\$135,252.56
Cash Expenditures for Month-----	\$136,180.60
Accrual Revenues for Month-----	\$87,494.31
-	
Cash Revenues for Month-----	\$86,331.32
Bank Balance—October 31, 2015-----	\$361,742.40
Accounts Receivable – October 31, 2015-----	\$1,438.38
Investments – Pinnacle Bank – October 31, 2015-----	\$50,074.79
-	
Building Sinking Fund – October 31, 2015-----	\$70,001.00
-	
Vehicle Sinking Fund – October 31, 2015-----	\$49,938.12
Water Resources Fund – October 31, 2015-----	\$150,002.14
Whiskey Slough IPA Balance – October 31, 2015-----	\$18,305.67
Fort Kearny-West IPA Balance – October 31, 2015-----	\$10,508.89
South Dry Creek IPA Balance – October 31, 2015-----	\$12,449.27
Fort Kearny IPA Balance – October 31, 2015-----	\$11,371.02
North Dry Creek IPA Balance – October 31, 2015-----	\$15,776.73
Sacramento Creek IPA Balance – October 31, 2015-----	\$21,968.86
Water Jamboree – October 31, 2015-----	\$5,555.32
NRRMDA – October 31, 2015-----	\$7,624.28
Odessa IPA – October 31, 2015-----	\$7,226.82

Moved by Lundeen, seconded by Bergstrom, to accept the October 2015 financial reports and file for audit. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

#### **SPECIAL BILLS**

Thorburn presented the VISA, L&L Construction, Little Blue NRD and attorney bills for approval. Moved by Bilka, seconded Lundeen to approve the visa, attorney, L&L Construction and LBNRD bills. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

#### **NRCS REPORT**

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

**Activity and Progress Report:** Breece reported staff has been preparing for the new EQIP sign-up. He reported on the State Resource Assessment Fund and FA Pool Distribution and that only one NRD received funding.

#### **COST SHARE REPORT**

**Well Abandonment** – Thorburn presented ten well decommissioning applications for approval. Moved by Raffety, seconded Bilka to approve ten well decommissioning cost-share applications. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: Harris

ABSENT: Garrelts and Johnson

**NSWCP & NRD Applications** – Thorburn recommended two NSWCP cost-share applications for approval. Moved by Larson, seconded Lundeen to approve two NSWCP cost-share. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

#### **GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented one groundwater transfer request for Seven A Farms, one certified irrigated acre transfer request for Norman & Karen Lewis and certified irrigated acres correction for Circle Mill Iron, Inc. Thorburn explained that the well for Circle Mill Iron is located in Phelps County and the acres are located in Harlan County. The irrigated acres need to be certified by Tri-Basin NRD (because they were located out of the District they haven't been certified). Norman Lewis and Brian Gray were present to answer questions.

Moved by Cavanaugh, seconded by Bilka to approve a groundwater transfer request for Seven A Farms, an irrigated acre transfer request for Norman & Karen Lewis and certified irrigated acre correction request for Circle Mill Iron, Inc. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**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**

**Consider Phase II Groundwater Quantity Management Designation for May Township in Kearney County:** Thorburn explained that directors met with the May Township Steering Committee and LBNRD staff and directors. He explained that saturated thickness maps differed between TBNRD and LBNRD. TBNRD discussed saturated thickness calculations with the engineer that prepared LBNRD's map. Little prepared a very precise map of TBNRD's saturated thickness for comparison, which used a larger data set and more factors than the map prepared by LBNRD. Thorburn stated he was confident in the accuracy of the TBNRD map. Thorburn reviewed saturated thickness maps, trigger levels and May Township current levels.

Terry Sorenson spoke about expansion in LBNRD. Sorenson asked the board to consider whether putting May Township into Phase II really solves the problem which stems from overuse in Adams County. Sorensen complimented TBNRD on monitoring methods and asked the board to protect May Township against continued overuse in Adams County.

Thorburn explained that Phase II means that May Township would be required to install flowmeters and no transfers of irrigated acres would be allowed into a Phase II area. Flowmeters are cost-shared at a rate of 50% to a maximum of \$750.

Ryan Lutkemeier brought a visual aid demonstrating development of irrigated acres and wells drilled in Adams County compared to May Township. Lutkemeier asked how water levels in May Township are going to be protected from additional development in LBNRD. He stated that landowners have been pumping modest amounts of groundwater but the water level is still dropping because landowners in LBNRD, just across the political boundary, have overdeveloped and are drawing water from May Township landowners. He asked the TBNRD to protect May Township ground water. Lutkemeier stated Little Blue NRD is making policy that affects May Township landowners.

Brian Petersen reiterated what the other two landowners said and also asked TBNRD to defend May Township landowners.

TRI-BASIN NRD BOARD MINUTES

November 10, 2015

Page Four

Options for defending groundwater water were discussed. Thorburn commented that installation of flowmeters would provide additional data. Sorenson commented that he isn't opposed to the installation of flowmeters but concerned about the potential of being designated Phase III in the future.

Reynolds commented that TBNRD has the opposite situation in the south-western Gosper County. TBNRD's rules are not as strict as neighboring NRD's and that the Republican Basin NRDs have worked cooperatively to develop a joint recharge project. Reynolds commented that TBNRD is very fortunate compared to other parts of the country and stated that TBNRD's goal is to make the aquifer last forever. Cavanaugh commented that flowmeter data could be used to May Township's advantage, to show that Adams County landowners pumped significantly more groundwater. LBNRD is in the process of certifying irrigated acres and should be done by December 2015. Lundeen commented that Adams County landowners won't recognize the problem until they have a groundwater problem.

Moved by Ryan, seconded by Raffety to table action until the January 2016 Board Meeting on designation of Phase II for May Township. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

Reynolds asked the board to consider four things: 1. Work on a Joint IMP with LBNRD, 2. Implement voluntary flowmeter program over five years which would result in water use reporting. 3. Cost-share on soil sensors and 4. Look at spring water level data. Reynolds suggested sending a letter of encouragement to May Township landowners. Lundeen suggested the landowners attend LBNRD board meetings. Thorburn will schedule a Steering Committee meeting.

**Consider Phase III Groundwater Quantity Management Designation for Elk Creek Township in Gosper County:** Thorburn reviewed Elk Creek Township observation well data and explained that one well had erratic data. The steering committee asked the board remove that well and incorporate additional wells into the data. Thorburn recommended removing G-33 and adding G-131 and G-107 using "nearest neighbor" procedure. This would keep Elk Creek out of Phase III, for the time being, but in the future, may make it harder to get out of Phase III. NDNR agreed with Thorburn's statistical analysis. Moved by Reynolds, seconded by Cavanaugh to remove well G-33 and add wells G-131 and G-107 to calculations used to determine groundwater management phase designations. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

Moved by Reynolds, seconded by Larson to allow Elk Creek Township in Gosper County to remain in Phase II groundwater management during 2016. Motion carried.

TRI-BASIN NRD BOARD MINUTES

November 10, 2015

Page Five

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**Auditor's Report:** Randy Tonniges and Rachel Skeen presented information about TBNRD's audit report for FY 2014-2015. Skeen reported no significant accounting issues. Moved by Reynolds, seconded by Raffety to accept the auditor's report for FY 2014-2015 and file with the State of Nebraska. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**NARD REPORT**

**NARD Report:** Reynolds reported the application period for the Water Sustainability funding opens Nov. 16, 2015. Reynolds reported on how the Stop Loss Committee works and suggested Lynch make a presentation on the topic at the February Board Retreat. He reported on the NET video presentation.

**COMMITTEE REPORTS**

**STAFF REPORTS & NECESSARY ACTION**

**Board Directives to Staff:** There was nothing to report.

**Out-of-State Travel:** Moved by Bilka, seconded by Raffety to approve out-of-state travel for three directors to go to GMDA in Sacramento, Ca on January 5-8, 2016. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**MONTHLY REPORTS**

**Republican Basin (NRRMDA):** The Kansas Basin Water Conference will be held in Manhattan, KS on November 18-19, 2015. The Republican Basin Stakeholder's will meet at TBNRD on Tuesday, November 17, 2015.

**Platte Basin:** Platte Basin NRDs and Irrigation districts will meet in North Platte on November 20, 2015 to prepare for revising the Basin-Wide IMP.

**South Dry Creek:** Staff has been doing some shredding.

**Sacramento Creek:** Staff has been doing some shredding.

**Middle Lost Creek:** Staff has been doing some shredding.

**Fort Kearny West:** Staff has been doing some shredding.  
TRI-BASIN NRD BOARD MINUTES  
November 10, 2015  
Page Six

**Fort Kearny:** Staff has been doing some shredding.

**North Dry Creek:** Gates will be installed. Staff has been doing some shredding.

**Whiskey Slough:** Staff has been doing some shredding.

**Odessa IPA:** Staff has been doing some shredding.

**Lake Seldom:** Management Plan is being updated.

**CoHyst/Platte Basin Coalition:** Thorburn mentioned CoHyst will be completed at the end of 2016.

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

**Weed Mgmt. Areas/Riparian Veg. TF:** Nothing to report.

**CNPPID:** Ford reported Lake McConaughay is at elevation 3256.3 and 85% capacity.

#### NEW BUSINESS

**Consider Whether to Enter into Agreement with CNPPID to Divert High Flows into Elwood/E-65 Canal:** NDNR agreed to a cap of Cap of 4500 acre feet. The agreement is consistent with previous short-term agreements. The term is for one year.

Moved by Raffety, seconded by Winz to approve a High Flows Agreement with CNPPID for Elwood Reservoir and E-65 Canal. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**Approve Interlocal Agreement with LRNRD for Platte-Republican Diversion Project:** Thorburn explained that LRNRD is considering the same agreement. NDNR could not participate but will still provide funding. Moved by Winz, seconded by Bergstrom to approve an Interlocal Agreement with LRNRD for the Platte-Republican Diversion Project. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

Moved by Bergstrom, seconded by Larson to designate Thorburn as delegate and Cavanaugh as alternate delegate for the Platte-Republican Diversion Project. Motion carried.

AYE: Bergstrom, Bilka, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: Cavanaugh

ABSENT: Garrelts and Johnson

**COMMENTS AND CONCERNS**

Moved by Reynolds, seconded by Ryan to move the December 8, 2015 board meeting to Thursday, December 10, 2015 at 1:30 p.m. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**PERSONNEL & LEGAL MATTERS**

Moved by Winz, seconded by Bergstrom to move to executive session for the protection of the public to discuss legal issues at 9:35 p.m. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

Moved by Lundeen, seconded by Harris to move out of executive session for the protection of the public to discuss legal issues at 9:55 p.m. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

Moved by Lundeen, seconded by Bergstrom to issue a well permit for the PRRIP Augmentation well because conditions placed on the permit have been met, with operation subject to the well permit agreement. Motion carried.

AYE: Bergstrom, Bilka, Cavanaugh, Harris, Larson, Lundeen, Olsen, Raffety, Reynolds, Ryan and Winz

NAY: None

ABSTAIN: None

ABSENT: Garrelts and Johnson

**NEXT BOARD MEETING**

TBNRD Regular Board Meeting at 1:30 p.m. on Tuesday, December 8, 2015.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:01 p.m.

**DIRECTORS PRESENT**

Brian Bergstrom, Joe Bilka, Mike Cavanaugh, Ed Harris, Joe Larson, Brad Lundeen, Dave Olsen, Dave Raffety, Larry Reynolds, Jeff Ryan and Ray Winz.

**OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Dave Ford, Kevin Breece, Tad Joyce, George Joyce, Terry Sorensen, Norman Lewis, Randy Tonniges, Rachel Skeen, Brian Petersen, Tammy

Fahrenbruch, Joel Kuehn, Jerry Lutkemeier, Ryan Lutkemeier, Matt Dornhoff, Greg Jorgensen, Scott Jorgensen, John M. Kuehn, Brian Gray and Nolan Little

TRI-BASIN NRD BOARD MINUTES

November 10, 2015

Page Eight

Respectfully Submitted:

---

Carie Lynch, Asst. Secretary



INDEX OF BOARD DECISIONS  
TRI-BASIN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
November 10, 2015

ID	Motion #	Category	Subject	Aye	Nay	Abs	Motion
	2015-11-10-01	Meeting Administration		9		2	Moved by Bilka, seconded by Larson, to approve the minutes for the October 13, 2015 Board of Directors Meeting and public hearings. Motion carried.
	2015-11-10-02	Meeting Administration		11			Moved by Lundeen, seconded by Bergstrom, to accept the October 2015 financial reports and file for audit. Motion carried.
	2015-11-10-03	Budget		11			Moved by Bilka, seconded Lundeen to approve the visa, attorney, L&L Construction and LBNRD bills. Motion carried.
	2015-11-10-04	Meeting Administration		10		1	Moved by Raffety, seconded Bilka to approve ten well decommissioning cost-share applications.
	2015-11-10-05	Meeting Administration		11			Moved by Larson, seconded Lundeen to approve two NSWCP cost-share. Motion carried.
	2015-11-10-06	Certifications & Transfers	7A, Norman Lewis and Circle Mill Iron	11			Moved by Cavanaugh, seconded by Bilka to approve a groundwater transfer request for Seven A Farms, an irrigated acre transfer request for Norman & Karen Lewis and certified irrigated acre correction request for Circle Mill Iron, Inc. Motion carried.
	2015-11-10-07	Policies – By-Laws	Table motion to designate May Twnshp PII	11			Moved by Ryan, seconded by Raffety to table action until the January 2016 Board Meeting on designation of Phase II for May Township. Motion carried.
	2015-11-10-08	Policies – By-Laws	Wells used to determine phase designations	11			Moved by Reynolds, seconded by Cavanaugh to remove well G-33 and add wells G-131 and G-107 to calculations used to

							determine groundwater management phase designations. Motion carried.
2015-11-10-09	Policies – By-Laws	Elk Creek Phase II remain in 2016	11				Moved by Reynolds, seconded by Larson to allow Elk Creek Township in Gosper County to remain in Phase II groundwater management during 2016. Motion carried.
2015-11-10-10	Budget		11				Moved by Reynolds, seconded by Raffety to accept the auditor’s report for FY 2014-2015 and file with the State of Nebraska. Motion carried.
2015-11-10-11	Meeting Administration		11				Moved by Bilka, seconded by Raffety to approve out-of-state travel for three directors to go to GMDA in Sacramento, Ca on January 5-8, 2016. Motion carried.
2015-11-10-12	Agreements	CNPPID High Flows	11				Moved by Raffety, seconded by Winz to approve a High Flows Agreement with CNPPID for Elwood Reservoir and E-65 Canal. Motion carried.
2015-11-10-13	Agreements	LRNRD Republican Basin Diversion Interlocal	11				Moved by Winz, seconded by Bergstrom to approve an Interlocal Agreement with LRNRD for the Platte-Republican Diversion Project. Motion carried.
2015-11-10-14	Directors	Rep. Diversion delegates	10		1		Moved by Bergstrom, seconded by Larson to designate Thorburn as delegate and Cavanaugh as alternate delegate for the Platte-Republican Diversion Project. Motion carried.
2015-11-10-15	Meeting Administration		11				Moved by Reynolds, seconded by Ryan to move the December 8, 2015 board meeting to Thursday, December 10, 2015 at 1:30 p.m. Motion carried.
2015-11-10-16	Meeting Administration		11				Moved by Winz, seconded by Bergstrom to move to executive session for the protection of the public to discuss legal issues at 9:35 p.m. Motion carried.
2015-11-10-17	Meeting Administration		11				Moved by Lundeen, seconded by Harris to move out of executive session for the protection of the public to

							discuss legal issues at 9:55 p.m. Motion carried.
	2015-11-10-18	Certifications & Transfers	PRRIP Aug. Well approval	11			Moved by Lundeen, seconded by Bergstrom to issue a well permit for the PRRIP Augmentation well because conditions placed on the permit have been met, with operation subject to the well permit agreement. Motion carried.