

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, December 10, 2013, 1:30 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 1:31 p.m. Nickel noted Public Meeting Law is posted in the boardroom.

**ROLL CALL**

Roll call was taken with ten directors present: Bergstrom, Bilka, Garrelts, Harris, Johnson, Larson, Nickel, Olsen, Raffety and Reynolds. Nelson arrived at 1:39 p.m. Lundeen and Winz 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**

Moved by Olsen, seconded by Raffety to excuse Todd Garrelts and Joe Bilka from October and November 2013 Board of Directors meetings. Motion carried.

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

NAY: None

ABSTAIN: Bilka and Garrelts

ABSENT: Lundeen, Winz and Nelson

**MINUTES**

Thorburn presented the minutes of the November 12, 2013 Board Meeting.

Moved by Johnson, seconded by Harris, to approve the minutes for the November 12, 2013 Regular Board of Directors Meeting. Motion carried.

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

NAY: None

ABSTAIN: Bilka, Garrelts, and Raffety

ABSENT: Lundeen, Winz and Nelson

**FINANCIAL REPORT**

Garrelts presented the financial report for the month of November 2013 as follows:

Accrual Expenditures for Month -----	\$327,881.62
Cash Expenditures for Month-----	\$330,832.76
Accrual Revenues for Month-----	\$23,343.00
Cash Revenues for Month-----	\$23,643.04
Bank Balance–November 30, 2013-----	\$93,107.43
Accounts Receivable – November 30, 2013-----	\$831.05
Investments – Pinnacle Bank – November 30, 2013-----	\$704,547.09
Whiskey Slough IPA Balance – November 30, 2013-----	\$19,143.90
Fort Kearny-West IPA Balance – November 30, 2013-----	\$7,983.01
South Dry Creek IPA Balance – November 30, 2013-----	\$8,576.49
Fort Kearny IPA Balance – November 30, 2013-----	\$11,750.64
North Dry Creek IPA Balance – November 30, 2013-----	\$16,011.24
Sacramento Creek IPA Balance – November 30, 2013-----	\$23,013.48
Water Jamboree – November 30, 2013-----	\$1,743.77
NRRMDA – November 30, 2013-----	\$7,759.77

Moved by Bergstrom, seconded by Larson, to accept the November 2013 financial reports and file for audit. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Johnson, Larson, Nickel, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Lundeen, Nelson and Winz

#### **SPECIAL BILLS**

Thorburn presented the VISA, HDR, EA, CNPPID and attorney bills for approval. Thorburn explained that the CNPPID billing is for NET's portion of the Platte River excess flow diversion and will be reimbursed by NET through CPNRD. Moved by Garrelts, seconded by Johnson to approve the visa, Attorney and EA and Associates bills. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Johnson, Larson, Nickel, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Lundeen, Nelson and Winz

Moved by Reynolds, seconded by Olsen to approve the HDR and CNPPID bills. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Johnson, Larson, Nickel, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Lundeen, Nelson and Winz

#### **NRCS REPORT**

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

**Activity and Progress Report:** Breece reported using the TBNRD board room to hold town hall meetings to complete CSP certification process and explained how the field offices enlist landowners into various programs so that TBNRD farmers continue to receive funding for irrigation efficiency.

#### **COST SHARE REPORT**

**Well Abandonment** – Thorburn presented five Well Decommissioning Cost-Share applications. Moved by Olsen, seconded by Johnson to approve Well Decommissioning Cost-share applications #67 to #71. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

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

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

**GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented four groundwater transfer requests for Lloyd H. Ellis Jr. Trustee, Robert & Jean Linder and Soneson Land & Cattle (2), four irrigated acre transfer requests for Alfred H. & Marie Kuck, Gregory Linder (2) and Lee & Grace Grove, and two requests for corrections to certified irrigated acres for Brian L. Carlson. Thorburn explained that 3.5 acres that Brian Carlson was requesting a correction for could not be shown to meet irrigation history requirements. Lee Grove, Greg Linder, Randy Hock, Al Kuck, Don H. Holen, and Brian Carlson were present to answer questions.

Moved by Garrelts, seconded by Bilka to approve groundwater transfer requests for Lloyd H. Ellis Jr., Trustee, Robert & Jean Linder, and Soneson Land & Cattle (2). Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

Moved by Bergstrom, seconded by Reynolds to approve certified irrigated acre transfer requests for Alfred H. & Marie Kuck, Gregory Linder (2) and Lee & Grace Grove. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

Moved by Reynolds, seconded by Olsen to approve two corrections (one for 4.51 acres and 3.16 acres) to certified irrigated acres Brian Carlson. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

**Educational Land Leases** – Moved by Garrelts, seconded by Larson to approve Educational Land Lease for Daniel Dickau. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

**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**

**Auditor's Report – Tonniges & Associates:** Randy Tonniges and Joosik Kim reported on the audit performed by Tonniges and Associates. Tonniges mentioned that segregation of duties is a common accounting deficiency because it would be unrealistic to hire people just to meet the requirements. Thorburn mentioned that TBNRD has implemented several internal controls to meet the deficiency: Thorburn reviews bank statements and approves payables, additional staff is trained to do payroll and write checks.

Moved by Garrelts, seconded by Johnson to approve the FY 2012-2013 Audit Report and file with the State of Nebraska. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

**IWMS Report - Scheele:** Curtis Scheele, Irrigation Water Management Specialist, gave a presentation on 2013 Irrigation Management Activities which included 16 NAWMN sites, soil moisture monitoring, Tri-Basin Irrigator newsletter, ultrasonic flowmeter measurements and informational presentations.

**NARD REPORT**

**NARD Conference Delegate & Alternate:** Thorburn stated that the NARD Legislative Conference will be held January 28 & 29, 2014 in Lincoln.

Moved by Garrelts, seconded by Olsen to designate Larry Reynolds as delegate and Dave Nelson as alternate delegate to the 2014 NARD Legislative Conference. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Johnson, Larson, Nickel, Olsen and Raffety

NAY: None

ABSTAIN: Nelson and Reynolds

ABSENT: Lundeen and Winz

**COMMITTEE REPORTS**

**Sand Creek Negotiating Committee:** This item will be discussed in executive session due to landowner negotiations.

**STAFF REPORTS & NECESSARY ACTION**

**Board Directives to Staff:** Thorburn reported that seven TBNRD directors will be up for re-election in 2014: Johnson, Bergstrom, Olsen, Nelson, Raffety, Bilka and Harris. Thorburn explained that because of LB154, Joe Larson will also be up for re-election for the final two years of his term.

**Out-of-State Travel:** None

**MONTHLY REPORTS**

**Republican Basin (NRRMD):** The Special Master submitted his report to the Supreme Court in the KS vs. NE Lawsuit.

**Platte Basin:** Land Committee will meet sometime in February.

**South Dry Creek:** Nothing to report.

**Sacramento Creek:** Nothing to report.

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

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

**Fort Kearny:** Nothing to report.

**North Dry Creek:** Nothing to report.

**Whiskey Slough:** Nothing to report.

**Odessa IPA:** Nothing to report.

**Lake Seldom:** Nothing to report.

**CoHyst/Platte Basin Coalition:** Nothing to report

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

**CNPPID:** Steinke reported Lake McConaughay is at 50% capacity and return flows for 2014 are expected to be low.

#### **NEW BUSINESS**

**Select Director to Attend NE Water Users Meeting 12-17-14 in Lexington.:** Moved by Garrelts, seconded by Bilka to select Larry Reynolds to represent Tri-Basin NRD at the Nebraska Water Users meeting on December 17, 2013 in North Platte. Motion carried.

AYE: Bergstrom, Bilka, Garrelts, Harris, Johnson, Larson, Nelson, Nickel, Olsen and Raffety

NAY: None

ABSTAIN: Reynolds

ABSENT: Lundeen and Winz

#### **PERSONNEL & LEGAL MATTERS**

Moved by Garrelts, seconded by Raffety to move to executive session for the protection of the public to discuss property negotiations at 2:52 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

Moved by Nelson, seconded by Johnson to move out of executive session for the protection of the public to discuss property negotiations at 4:17 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

Moved by Bilka, seconded by Nelson to direct staff to work with legal counsel to develop an offer for the Tomsen property in N ½ of S12-T6-R14 in Kearney County, with the understanding that said offer is contingent on negotiations with other owners. Motion failed.

AYE: Bilka, Johnson, Nelson, Olsen and Nickel

NAY: Bergstrom, Garrelts, Harris, Larson, Raffety and Reynolds

ABSTAIN: None

ABSENT: Lundeen and Winz

Moved by Reynolds, seconded by Garrelts to direct staff to offer formal notice to the owner of the SE ¼ of S2-T6-R14 and NE ¼ of S11-T6-R14 in Kearney County of our desire to negotiate land rights and continue discussions with other affected landowners. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Lundeen and Winz

#### **COMMENTS AND CONCERNS**

There were no comments or concerns.

#### **NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held at 1:30 p.m., on Tuesday, January 14, 2014 at Tri-Basin NRD, Holdrege, NE

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 4:35 p.m.

#### **DIRECTORS PRESENT**

Brian Bergstrom, Joe Bilka, Todd Garrelts, Ed Harris, Phyllis Johnson, Joe Larson, David Nelson, David Nickel, David Olsen, Dave Raffety and Larry Reynolds.

#### **OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Tammy Fahrenbruch, Nolan Little, Curtis Scheele, Cory Steinke, Lee Grove, Charlie Linder, Greg Linder, Randy Hock, Al Kuck, Don H. Holen, Kevin Breece, Lori Potter, Randy Tonniges, Joosik Kim, Brian Carlson, Lisa Berkeypile and Lori Hagan.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 December 10, 2013

ID	Motion #	Category	Subject	Aye	Nay	Abs	Motion
	2013-12-10-01	Meeting Administration		8	0	2	Moved by Olsen, seconded by Raffety to excuse Todd Garrelts and Joe Bilka from October and November 2013 Board of Directors meetings. Motion carried.
	2013-12-10-02	Meeting Administration		7	0	3	Moved by Johnson, seconded by Harris, to approve the minutes for the November 12, 2013 Regular Board of Directors Meeting. Motion carried.
	2013-12-10-03	Meeting Administration		10	0	0	Moved by Bergstrom, seconded by Larson, to accept the November 2013 financial reports and file for audit. Motion carried.
	2013-12-10-04	Budget		10	0	0	Moved by Garrelts, seconded by Johnson to approve the visa, Attorney and EA and Associates bills. Motion carried.
	2013-12-10-05	Budget		10	0	0	Moved by Reynolds, seconded by Olsen to approve the HDR and CNPPID bills. Motion carried.
	2013-12-10-06	Meeting Administration		11	0	0	Moved by Olsen, seconded by Johnson to approve Well Decommissioning Cost-share applications #67 to #71. Motion carried.
	2013-12-10-07	Meeting Administration		11	0	0	Moved by Garrelts, seconded by Raffety to approve five NSWCP Cost-share applications. Motion carried.
	2013-12-10-08	Certifications & Transfers	Ellis, Linder and Soneson	11	0	0	Moved by Garrelts, seconded by Bilka to approve groundwater transfer requests for Lloyd H. Ellis Jr., Trustee, Robert & Jean Linder, and Soneson Land & Cattle (2). Motion carried.
	2013-12-10-09	Certifications & Transfers	Kuck, Linder and Grove	11	0	0	Moved by Bergstrom, seconded by Reynolds to approve certified irrigated acre transfer requests for Alfred H. & Marie Kuck, Gregory Linder (2) and Lee & Grace Grove. Motion carried.
	2013-12-	Certifications &	Brian Carlson	11	0	0	Moved by Reynolds, seconded by

	10-10	Transfers					Olsen to approve two corrections (one for 4.51 acres and 3.16 acres) to certified irrigated acres Brian Carlson. Motion carried.
	2013-12-10-11	Meeting Administration		11	0	0	Moved by Garrelts, seconded by Larson to approve Educational Land Lease for Daniel Dickau. Motion carried.
	2013-12-10-12	Budget	Audit Report	11	0	0	Moved by Garrelts, seconded by Johnson to approve the FY 2012-2013 Audit Report and file with the State of Nebraska. Motion carried.
	2013-12-10-13	Directors	2014 NARD Leg. Delegate	9	0	2	Moved by Garrelts, seconded by Olsen to designate Larry Reynolds as delegate and Dave Nelson as alternate delegate to the 2014 NARD Legislative Conference. Motion carried.
	2013-12-10-14	Directors	Water User Delegate	10	0	1	Moved by Garrelts, seconded by Bilka to select Larry Reynolds to represent Tri-Basin NRD at the Nebraska Water Users meeting on December 17, 2013 in North Platte. Motion carried.
	2013-12-10-15	Meeting Administration		11	0	0	Moved by Garrelts, seconded by Raffety to move to executive session for the protection of the public to discuss property negotiations at 2:52 p.m. Motion carried.
	2013-12-10-16	Meeting Administration		11	0	0	Moved by Nelson, seconded by Johnson to move out of executive session for the protection of the public to discuss property negotiations at 4:17 p.m. Motion carried.
	2013-12-10-17	Projects	Sand Creek Reservoir	5	6	0	Moved by Bilka, seconded by Nelson to direct staff to work with legal counsel to develop an offer for the Tomsen property in N ½ of S12-T6-R14 in Kearney County, with the understanding that said offer is contingent on negotiations with other owners. Motion failed.
	2013-12-10-18	Projects	Sand Creek Reservoir	11	0	0	Moved by Reynolds, seconded by Garrelts to direct staff to offer formal notice to the owner of the SE ¼ of S2-T6-R14 and NE ¼ of S11-T6-R14 in Kearney County of our desire to negotiate land rights and continue discussions with other affected landowners. Motion carried.