

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, February 10, 2015, 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 Olsen, at 1:31 p.m. Olsen noted Public Meeting Law is posted in the boardroom.

**ROLL CALL**

Roll call was taken with twelve directors present: Bergstrom, Bilka, Cavanaugh, Garrelts, Harris, Johnson, Larson, Lundeen, Nickel, Olsen, Raffety and Reynolds. Winz was 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 January 13, 2015, Board of Directors Meeting and January 20, 2015 Executive Committee meeting.

Moved by Johnson, seconded by Larson, to approve the minutes for the January 13, 2015 Regular Board of Directors Meeting. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

Moved by Bilka, seconded by Bergstrom, to approve the minutes for the January 20, 2015 Executive Committee Meeting. Motion carried unanimously.

**FINANCIAL REPORT**

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

Accrual Expenditures for Month -----	\$113,881.56
Cash Expenditures for Month-----	\$120,493.42
Accrual Revenues for Month-----	\$31,389.40
Cash Revenues for Month-----	\$22,658.47
Bank Balance—January 31, 2015-----	\$403,944.19
Accounts Receivable – January 31, 2015-----	\$21,362.52
Investments – Pinnacle Bank – January 31, 2015-----	\$610,882.25
Whiskey Slough IPA Balance – January 31, 2015-----	\$18,803.75
Fort Kearny-West IPA Balance – January 31, 2015-----	\$9,619.94
South Dry Creek IPA Balance – January 31, 2015-----	\$11,242.75
Fort Kearny IPA Balance – January 31, 2015-----	\$11,481.45
North Dry Creek IPA Balance – January 31, 2015-----	\$16,444.13
Sacramento Creek IPA Balance – January 31, 2015-----	\$22,623.00
Water Jamboree – January 31, 2015-----	\$5,170.89
NRRMDA – January 31, 2015-----	\$7,622.63
Odessa IPA – January 31, 2015-----	\$4,645.21

Moved by Nickel, seconded by Raffety, to accept the January 2015 financial reports and file for audit. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

#### **SPECIAL BILLS**

Thorburn presented the VISA, CNPPID (2) and attorney bills for approval. Moved by Garrelts, seconded Bilka to approve the visa bills, attorney and CNPPID bills. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

#### **NRCS REPORT**

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

**Activity and Progress Report:** Breece reported staff has been working on EQIP and CSP contracts. Breece invited directors to an upcoming agronomist meeting.

#### **COST SHARE REPORT**

**Well Abandonment** – Thorburn presented three well decommissioning cost-share applications for approval. Moved by Johnson, seconded by Bergstrom to approve three well decommissioning cost-share applications. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

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

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

NAY: None

ABSTAIN: None

ABSENT: Winz

#### **GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented two groundwater transfer request (Marvin C. Westcott Trust and RSO LLC) and three irrigated acre transfer requests (KCC Feeding, Joseph Mead Strong and Burke Family Partnership LTD. Joe Strong, John Wubbenhorst and Larry Burke were present to answer questions.

Moved by Bilka, seconded by Reynolds to approve a groundwater transfer requests for Marvin C. Westcott Trust and RSO, LLC and irrigated acre transfer requests for KCC Feedings, Joseph Strong, and Burke Family Partnership. Motion carried.

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

NAY: None

ABSTAIN: Garrelts

ABSENT: Winz

**Educational Land Leases** – There were no education 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. Irvin Walbridge asked questions concerning allocations in Union township and the Republican Basin Augmentation Well project. Thorburn commented that allocations were set for Union Township in November of 2013 and mentioned there will an informational meeting in Smithfield on February 24, 2015. Thorburn explained there will be a public hearing before the permit is issued for the augmentation well.

#### **UNFINISHED BUSINESS**

**Sand Creek Reservoir Plans - Gonzales:** Paul Gonzales, EA Associates presented information on the Sand Creek Reservoir design plans. Gonzales stated that the design of the dam would effectively facilitate groundwater recharge, which is TBNRD's goal. Garrelts asked for an upkeep estimate. There was discussion about the difficulty in designing the dam because of the extreme number of acres involved (36 square miles of drainage area) and being a shallow dam and would require more frequent maintenance because it's so shallow. Gonzales said he would put together a maintenance estimate, finalize the plans, put together the report and technical specs and send a contract by the end of February.

**Adjust Budget to Pay for High Flow Diversions:** Thorburn explained the Executive Committee looked at budgeted expenditures and determined that funding could be used from Riparian Management, CPNRD Water Lease and Republican Basin Augmentation Well and the remainder would come from Cash Reserve to fund payment for CNPPID invoices for excess flows.

Moved by Reynolds, seconded by Bergstrom to use funding for Riparian Weed Management, CPNRD Water Lease and a portion of the funding for the Republican Basin Augmentation well for unbudgeted expenses related to excess flows (CNPPID) and to use cash reserve to fund the remainder of the invoices. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

**Select Representative and Alternate for Overappropriated Basin Coalition:** Thorburn explained that a delegate and alternate delegate are needed for the Overappropriated Basin Coalition. Moved by Johnson, seconded by Bergstrom to select Reynolds as delegate and Thorburn as alternate delegate for the Platte Basin Overappropriated Basin Coalition. Motion carried.

TRI-BASIN NRD BOARD MINUTES  
February 10, 2015  
Page Four

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

NAY: None

ABSTAIN: Reynolds

ABSENT: Winz

**Select Representative and Alternate for Republican Basin IMP meetings:** Thorburn explained a delegate and alternate are needed for the Republican Basin IMP meetings. Dick Helms will serve as a stakeholder representative.

Moved by Reynolds, seconded by Garrelts to select Phyllis Johnson as delegate and Ray Winz as alternate delegate to the Republican Basin IMP meetings. Motion carried.

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

NAY: None

ABSTAIN: Johnson

ABSENT: Winz

**Adopt Order Implementing Chemigation Rules:** Thorburn explained that the changes to the NRD chemigation rules were approved by the board in December 2014 and NDEQ in January 2015. Next, the Order has to be published specifying a date the rules will take effect.

Moved by Garrelts, seconded by Bilka to adopt the Order implementing the revised Chemigation Rules with an effective date of March 15, 2015. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

#### NARD REPORT

**Legislative Conference:** Thorburn mentioned that six directors attended the NARD Legislative Conference. Reynolds complimented Thorburn on his comment on a Game and Parks legislative bill.

#### COMMITTEE REPORTS

Thorburn mentioned that Chairman Olsen reviewed committee assignments, which were in the board packet. Thorburn reviewed Executive Committee's recommendation. Moved by Reynolds, seconded by Larson accept the Executive Committee's recommendation to sponsor the UNL Tour of the Republican River Basin in the amount of \$1,500. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

#### 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):** Thorburn mentioned the Republican Basin IMP meeting will be held March 31, 2015 at the Cambridge Community Building.

**Platte Basin:** Nothing to report.

**South Dry Creek:** IPA meeting will be held February 20, 2015.

**Sacramento Creek:** IPA meeting will be held February 20, 2015.

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

**Fort Kearny West:** IPA meeting will be held February 20, 2015.

**Fort Kearny:** IPA meeting will be held February 20, 2015.

**North Dry Creek:** IPA meeting will be held February 20, 2015.

**Whiskey Slough:** IPA meeting will be held February 20, 2015.

**Odessa IPA:** IPA meeting will be held February 20, 2015. Power line will be buried under road.

**Lake Seldom:** Nothing to report

**CoHyst/Platte Basin Coalition:** CoHyst Modeler workshop will be held in Omaha on February 17-18, 2015.

**Sand Creek/Little Blue Basin:** This item was discussed under another agenda item. LBNRD is working on Watershed Management Plan with a Stakeholder Meeting set for April 7, 2015.

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

**CNPPID:** Ford reported Lake McConaughay is at elevation 3249.8 feet or 75% of capacity.

**NEW BUSINESS**

**Specify Amount to Contract with CPNRD for Offset Diversions:** Thorburn explained there is an existing contract with CPNRD to divert excess flows. One of the provisions of the contract is to notify them of our requirements by March 1, of each year. Thorburn recommended notifying them that no diversion is needed this year. Reynolds commented that excess flows won't always be available and even though TBNRD doesn't need the offset credit this year, we should find out whether there is a carry-forward offset credit. Thorburn explained there is a lag time but offset credit can't be forward loaded. Moved by Nickel, seconded by Cavanaugh to accept the manager's recommendation to notify CPNRD that no recharge diversion was required this year. Motion carried.

**AYE:** Bilka, Bergstrom, Cavanaugh, Harris, Johnson, Larson, Lundeen, Nickel and Olsen

**NAY:** Garrelts, Raffety and Reynolds

**ABSTAIN:** None

**ABSENT:** Winz

**Schedule Hearing on NRD Rules Revisions:** Thorburn explained the Planning Committee has additional assignments and no action can be taken at this time.

**Authorize Observation Well Drilling at Republican Basin Augmentation Well Site:** Thorburn presented an estimate from Holdrege Well Service for drilling the observation well. Nickel commented that NDNR could provide 60% cost-share after July 1, 2015 and that TBNRD should inquire to see if they would still cost-share if the well were drilled now and billed after July 1, 2015. Moved by Garrelts, seconded by Raffety to authorize drilling of the Republican Basin Augmentation observation well pending cost-share approval with NDNR. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

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

Moved by Garrelts, seconded by Reynolds to move to executive session for the protection of an individual to discuss personnel issues at 2:37 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

Moved by Garrelts, seconded by Johnson to move out of executive session for the protection of an individual to discuss personnel issues at 2:47 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Winz

#### **COMMENTS AND CONCERNS**

Johnson complimented staff on an excellent job on the Bi-Annual Recognition Banquet.

#### **NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held 1:30 p.m., on Tuesday, March 10, 2015 at Tri-Basin NRD

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 2:48 p.m.

#### **DIRECTORS PRESENT**

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

#### **OTHERS PRESENT**

Lori Potter, Carie Lynch, John Thorburn, Nicole Salisbury, Tammy Fahrenbruch, Dave Ford, Joe Strong, Kevin Breece, Paul Gonzales, Irvin Walbridge, John Wubbenhorst, Diana Wubbenhorst and Larry Burke.

TRI-BASIN NRD BOARD MINUTES  
February 10, 2015  
Page Seven

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

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

ID	Motion #	Category	Subject	Aye	Nay	Abs	Motion
	2015-02-10-01	Meeting Administration		12			Moved by Johnson, seconded by Larson, to approve the minutes for the January 13, 2015 Regular Board of Directors Meeting. Motion carried.
	2015-02-10-02	Meeting Administration					Moved by Bilka, seconded by Bergstrom, to approve the minutes for the January 20, 2015 Executive Committee Meeting. Motion carried unanimously.
	2015-02-10-03	Meeting Administration		12			Moved by Nickel, seconded by Raffety, to accept the January 2015 financial reports and file for audit. Motion carried.
	2015-02-10-04	Meeting Administration	Budget	12			Moved by Garrelts, seconded Bilka to approve the visa bills, attorney and CNPPID bills. Motion carried.
	2015-02-10-05	Meeting Administration		12			Moved by Johnson, seconded by Bergstrom to approve three well decommissioning cost-share applications. Motion carried.
	2015-02-10-06	Budget		12			Moved by Garrelts, seconded by Bilka to approve five NSWCP cost-share applications. Motion carried.
	2015-02-10-07	Certification & Transfers	Marvin Westcott Trust, RSO, LLC, KCC Feedings, Joseph Strong and Burke Family Partnership	11		1	Moved by Bilka, seconded by Reynolds to approve a groundwater transfer requests for Marvin C. Westcott Trust and RSO, LLC and irrigated acre transfer requests for KCC Feedings, Joseph Strong, and Burke Family Partnership. Motion carried.

2015-02-10-08	Budget			12			Moved by Reynolds, seconded by Bergstrom to use funding for Riparian Weed Management, CPNRD Water Lease and a portion of the funding for the Republican Basin Augmentation well for unbudgeted expenses related to excess flows (CNPPID) and to use cash reserve to fund the remainder of the invoices. Motion carried.
2015-02-10-09	Directors	Platte Basin Overappropriated Basin Coalition		11		1	Moved by Johnson, seconded by Bergstrom to select Reynolds as delegate and Thorburn as alternate delegate for the Platte Basin Overappropriated Basin Coalition. Motion carried.
2015-02-10-10	Directors	Republican Basin IMP Meetings		11		1	Moved by Reynolds, seconded by Garrelts to select Phyllis Johnson as delegate and Ray Winz as alternate delegate to the Republican Basin IMP meetings. Motion carried.
2015-02-10-11	Resolutions & Legislation	Chemigation Rules Order		12			Moved by Garrelts, seconded by Bilka to adopt the Order implementing the revised Chemigation Rules with an effective date of March 15, 2015. Motion carried.
2015-02-10-12	Budget	UNL Tour of Republican Basin		12			Moved by Reynolds, seconded by Larson accept the Executive Committee's recommendation to sponsor the UNL Tour of the Republican River Basin in the amount of \$1,500. Motion carried.
2015-02-10-13	Agreements	CPNRD Diversions notification		9	3		Moved by Nickel, seconded by Cavanaugh to accept the manager's recommendation to notify CPNRD that no recharge diversion was required this year. Motion carried.
2015-02-10-14	River Basins	Republican Basin Augmentation Well		12			Moved by Garrelts, seconded by Raffety to authorize drilling of the Republican Basin Augmentation observation well pending

							cost-share approval with NDNR. Motion carried.
	2015-02-10-15	Meeting Administration		12			Moved by Garrelts, seconded by Reynolds to move to executive session for the protection of an individual to discuss personnel issues at 2:37 p.m. Motion carried.
	2015-02-10-16	Meeting Administration		12			Moved by Garrelts, seconded by Johnson to move out of executive session for the protection of an individual to discuss personnel issues at 2:47 p.m. Motion carried.