

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, March 12, 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. Olsen noted Public Meeting Law is posted in the boardroom. Thorburn opened a public hearing for Sand Creek Landowners.

**ROLL CALL**

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

There no absences to excuse.

**MINUTES**

Thorburn presented the minutes of the February, 2013 Board of Director's Meeting, Special Board of Director's Meeting, Public Hearing and Planning Committee Meeting and February 27, 2012 Planning Committee Meeting.

Moved by Olsen, seconded by Bilka, to approve the minutes for the February 12, 2013 Special Board of Directors Meeting. Motion carried.

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

NAY: None

ABSTAIN: Raffety and Nickel

ABSENT: Reynolds and Winz

Moved by Bilka, seconded by Johnson, to approve the minutes for the February 12, 2013 Board of Directors Meeting and Public Hearing. Motion carried.

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

NAY: None

ABSTAIN: Bergstrom and Nickel

ABSENT: Reynolds and Winz

Moved by Nelson, seconded by Johnson, to approve the minutes for the February 12, 2013 Planning Committee Meeting. Motion carried unanimously.

Moved by Nelson, seconded by Johnson, to approve the minutes for the February 27, 2013 Planning Committee Meeting. Motion carried unanimously.

**FINANCIAL REPORT**

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

Accrual Expenditures for Month -----	\$76,237.27
Cash Expenditures for Month-----	\$78,709.25
Accrual Revenues for Month-----	\$14,225.57
-	
Cash Revenues for Month-----	\$11,783.56
Bank Balance—February 28, 2013-----	\$203,359.66
-	
Accounts Receivable – February 28, 2013-----	\$7,432.12

Investments – Pinnacle Bank – February 28, 2013-----	\$1,003,129.6
-	2
Whiskey Slough IPA Balance – February 28, 2013-----	\$18,439.76
Fort Kearny-West IPA Balance – February 28, 2013-----	\$7,136.33

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South Dry Creek IPA Balance – February 28, 2013-----	\$9,312.20
Fort Kearny IPA Balance – February 28, 2013-----	\$11,990.81
North Dry Creek IPA Balance – February 28, 2013-----	\$16,735.63
Sacramento Creek IPA Balance – February 28, 2013-----	\$23,869.57

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

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

**SPECIAL BILLS**

Thorburn presented the VISA and attorney bills for approval. Moved by Garrelts, seconded by Raffety to approve the Visa and attorney bill. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

**NRCS REPORT**

**FSA Farm Plans:** Scheele presented one farm plan for approval: Christensen Joint Operation. Moved by Raffety, seconded by Larson to approve a farm plan for Christensen Joint Operation. Motion carried.

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

NAY: Harris and Johnson

ABSTAIN: None

ABSENT: Reynolds and Winz

**Activity and Progress Report:** Breece reported CSP payments were finished. CSP program will be discontinued in 2013, but may be added in another year.

**COST SHARE REPORT**

**Well Abandonment** – Thorburn presented nine well decommissioning cost-share applications for approval. Moved by Garrelts, seconded by Olsen to approve well decommissioning cost-share applications #98-#106. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

**NSWCP & NRD Applications** – Thorburn presented ten NSWCP cost-share applications and one TBNRD cost-share application. Moved by Nelson, seconded by Olsen to approve ten NSWCP Cost-share applications and one TBNRD cost-share application. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

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

**GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented one groundwater transfer requests for D&T Nielsen Family Farms, four certified irrigated acre transfer requests (D&T Nielsen Family Farms, Paul Roth, Eleanor Nott and Fastenau Trust) and three special requests for Alfred Kuck, Peter and Ann Raun and Trevor Urbom. All special requests were for corrections to certified acres.

Moved by Garrelts, seconded by Lundeen to approve groundwater transfer requests for D&T Nielsen Family Farms conditional on a field marker being installed. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

Moved by Olsen, seconded by Bilka to approve certified irrigated acre transfer requests for D&T Nielsen Family Farms, Paul Roth, Eleanor Nott and Fastenau Trust. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

Moved by Garrelts, seconded by Larson to approve correction of certified irrigated acres for Al Kuck, Peter/Anna Raun and Trevor Urbom. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds 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**

**Review Estimate for NDC Evaluation:** Thorburn explained that NDNR would like to cost-share with TBNRD on a study of additional NDC Augmentation well sites, but because of constraints on time, suggested an independent contractor. The suggested contractor wasn't available, so another contractor was contacted and will provide a bid.

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**Presentation on CNPPID Groundwater “Mound” Study, Dave Ford:** Tyler Thulin from CNPPID gave a presentation on CNPPID’s groundwater study. CNPPID is expecting the study to be completed in approximately six months. TBNRD hasn’t contributed to the study.

**NARD REPORT**

**NARD Legislative Conference:** Winz and Reynolds are in Washington DC for conference. NARD established an NRD Conservation Hall of Fame and candidates are being considered. NARD is taking nominations for recipients.

**COMMITTEE REPORTS**

**Planning Committee:** Thorburn reviewed planning committee recommendations concerning the Groundwater Management Rules and Regulations. Prior to the last hearing, NDNR and NDEQ suggested changes to the rules, but the hearing process had already been started, so the board decided to approve the current draft of the rules and regulations and consider the changes suggested by NDNR (an exception that differentiates between commercial, industrial, environmental and non-irrigation agricultural uses) and NDEQ (identify and define environmental water use and 80 lb. single application of nitrogen application in Phase III) at a later date. Changes were also suggested by an agronomist about using nitrogen as a carrier for pesticide. The committee recommended all but two of the changes. The committee recommended that the board discuss 3.5.3 (concerning nitrogen application) and 10.2.2.2 (concerning changes to certified acre certification process). There was discussion about limiting nitrogen in Phase III areas by sandy soil types (high leaching) or date of application. Thorburn suggested the board could approve the proposed changes (except for 3.5.3 and 10.2.2.2) and agree to hold a hearing but not set a date for the hearing. That would allow for further discussion of 3.5.3 and 10.2.2.2. Garrelts suggested reviewing the changes in context of the entire draft.

Moved by Johnson, seconded by Bergstrom to accept the Planning Committee recommendation to accept the proposed changes to the Groundwater Management Rules and Regulations except for Sections 3.5.3 and 10.2.2.2, which should be discussed further by the board. Motion carried.

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

NAY: Garrelts

ABSTAIN: None

ABSENT: Reynolds and Winz

Moved by Nelson, seconded by Lundeen to table the following motion concerning limiting nitrogen application. Motion carried.

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

NAY: Garrelts and Olsen

ABSTAIN: None

ABSENT: Reynolds and Winz

Moved by Raffety, seconded by Olsen to reword Groundwater Management Rule 3.5.3 to read “producers shall not apply more than 80 lbs. of any nitrogen in a single application at any time before emergence of the crop on field where more than 50 percent of the aerial extent consists of high leaching soils.” Motion tabled.

Lundeen suggested Ray Ward talk to the board about nitrogen application. Nickel suggested the Groundwater Management Plan should be changed before the rules and regulations so both documents are the same.

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There was discussion about rule 10.2.2.2. , which wouldn't allow corrections for certified irrigated acres to be moved to another parcel for ten years after the correction was approved. The potential effects of the limitation were discussed including accounting for corrected acres and the effect on actual versus certified acres. There was discussion about allowing landowners to correct acres for a year and then not allow any corrections. Fahrenbruch commented that although some landowners are searching for acres to complete a pivot, other landowners might want to move acres to improve efficiency. Lundeen asked for a total of corrected acres and the associated depletion.

The board will hold a special board meeting at 10:30 on April 9, 2013 to discuss changes to the groundwater management rules and regulations.

Moved by Garrelts, seconded by Bilka to change the time of the April 9, 2013 Board of Directors from 7:30 pm to 1:30 pm and to hold a Special Board of Directors Meeting on the same day at 10:30 am. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

**Projects & Construction Committee:** The Projects & Construction Committee will meet Thursday, March 21, at 10 am to discuss the Johnson Lake Trail, Phase II of NDC Streamflow Augmentation Well and Odessa IPA.

### STAFF REPORTS & NECESSARY ACTION

**Board Directives to Staff:** There were no staff reports to review.

**Out-of-State Travel:** Moved by Bilka, seconded by Johnson to approve out-of-state travel for Nelson, Thorburn and others to go to Durango, CO on August 14-16, 2013. Motion carried.

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

NAY: None

ABSTAIN: Nelson

ABSENT: Reynolds and Winz

### MONTHLY REPORTS

**Republican Basin (NRRMD):** Thorburn reported he had a conference call with NDNR last week about small dam regulation. Thorburn presented a letter to landowners communicating the status of permitting small dams. Several engineering firms have offered to contract with TBNRD to help landowners as a group to permit the small dams and design plans.

**Platte Basin:** Land Committee will meet March 26, 2013.

**South Dry Creek:** Annual meeting was held.

**Sacramento Creek:** Annual meeting was held.

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

**Fort Kearny West:** Annual meeting was held.

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**Fort Kearny:** Annual meeting was held.

**North Dry Creek:** Annual meeting was held.

**Whiskey Slough:** Annual meeting was held.

**Lake Seldom:** Nothing to report.

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

**Weed Management Areas – Riparian Vegetation Task Force:** Thorburn testified on a bill to extend the Riparian Vegetation Task Force sunset date.

**Sand Creek/Little Blue Basin:** Hearing was held last month and today for Sand Creek Landowners. A landowner that was properly notified last month has contacted TBNRD to negotiate the land and a meeting is set for Friday, March 15.

**CNPPID:** Ford reported Lake McConaughay 64% and elevation 3241.5 feet.

**NEW BUSINESS**

**Set IPA Assessments for 2013-2014:** Moved by Raffety seconded by Olsen to set the 2013 IPA Assessments at Ft. Kearny - \$0.00, Fort Kearny West - \$0.15, North Dry Creek - \$0.05, Sacramento Creek - \$0.00, South Dry Creek - \$0.15 and Whiskey Slough - \$0.00. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

**Reschedule August Board Meeting to August 6<sup>th</sup>, 2013 or August 20, 2013:** This item will be discussed at a later date. The August Board of Directors Tour was discussed and it was suggested to visit some dam sites in the Little Blue Basin and the National Weather Service in Hastings.

**Schedule Public Hearing on Proposed NRD Rules Changes:** This item was postponed until the rules changes could be discussed further.

**COMMENTS AND CONCERNS**

There were no comments and concerns.

**PERSONNEL & LEGAL MATTERS**

Moved by Garrelts, seconded by Lundeen to move to executive session for the protection of the public to discuss contractual matters at 3:30 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

Moved by Bergstrom, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 3:55 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Reynolds and Winz

**NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held at 1:30 p.m., and Special Board Meeting at 10:30 am on Tuesday, April 9, 2013 at Tri-Basin NRD.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:57 p.m.

**DIRECTORS PRESENT**

Joe Bilka, Todd Garrelts, Ed Harris, Phyllis Johnson, Joe Larson, Bradley Lundeen, David Nelson, Dave Olsen, Dave Raffety and Larry Reynolds.

**OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Kevin Breece, Tammy Fahrenbruch, Dave Ford, Raleigh Nott, Tyler Thulin, Charles, Brooks, Nolan Little, Trevor Urbom, David Nielsen, Randy Hock, Nick Hock, Al Kuck, Carol Roth,. Paul Roth, Doug Roth and Mark Johnson.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

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

Motion #	Category	Subject	Aye	Nay	Abs	Motion
2013-03-12-01	Meeting Administration		9		2	Moved by Olsen, seconded by Bilka, to approve the minutes for the February 12, 2013 Special Board of Directors Meeting. Motion carried.
2013-03-12-02	Meeting Administration		9		2	Moved by Bilka, seconded by Johnson, to approve the minutes for the February 12, 2013 Board of Directors Meeting and Public Hearing. Motion carried.
2013-03-12-03	Meeting Administration					Moved by Nelson, seconded by Johnson, to approve the minutes for the February 12, 2013 Planning Committee Meeting. Motion carried unanimously.
2013-03-12-04	Meeting Administration					Moved by Nelson, seconded by Johnson, to approve the minutes for the February 27, 2013 Planning Committee Meeting. Motion carried unanimously.
2013-03-12-05	Meeting Administration		11			Moved by Johnson, seconded by Lundeen, to accept the February 2013 financial reports and file for audit. Motion carried.
2013-03-12-06	Budget		11			Moved by Garrelts, seconded by Raffety to approve the Visa and attorney bill. Motion carried.
2013-03-12-07	Meeting Administration		9	2		Moved by Raffety, seconded by Larson to approve a farm plan for Christensen Joint Operation. Motion carried.
2013-03-12-08	Meeting Administration		11			Moved by Garrelts, seconded by Olsen to approve well decommissioning cost-share applications #98-#106. Motion carried.
2013-03-12-09	Meeting Administration		11			Moved by Nelson, seconded by Olsen to approve ten NSWCP Cost-share applications and one TBNRD cost-share application. Motion carried.
2013-03-12-10	Certification & Transfers	Nielsen	11			Moved by Garrelts, seconded by Lundeen to approve groundwater transfer requests for D&T Nielsen Family Farms conditional on a field marker being installed. Motion carried.
2013-03-12-11	Certification & Transfers	Nielsen, Roth, Nott & Fastenau	11			Moved by Olsen, seconded by Bilka to approve certified irrigated acre transfer requests for D&T Nielsen Family Farms, Paul Roth, Eleanor Nott and Fastenau Trust. Motion carried.

2013-03-12-12	Certification & Transfers	Kuck, Raun, Urbom	11			Moved by Garrelts, seconded by Larson to approve correction of certified irrigated acres for Al Kuck, Peter/Anna Raun and Trevor Urbom. Motion carried.
2013-03-12-13	District Plans and Programs	GW Management Rules	10	1		Moved by Johnson, seconded by Bergstrom to accept the Planning Committee recommendation to accept the proposed changes to the Groundwater Management Rules and Regulations except for Sections 3.5.3 and 10.2.2.2, which should be discussed further by the board. Motion carried.
2013-03-12-14	District Plans and Programs	GW Management Rules	9	2		Moved by Nelson, seconded by Lundeen to table the following motion concerning limiting nitrogen application. Motion carried.
2013-03-12-15	District Plans and Programs	GW Management Rules				Moved by Raffety, seconded by Olsen to reword Groundwater Management Rule 3.5.3 to read "producers shall not apply more than 80 lbs. of any nitrogen in a single application at any time before emergence of the crop on field where more than 50 percent of the aerial extent consists of high leaching soils." Motion tabled.
2013-03-12-16	Meeting Administration		11			Moved by Garrelts, seconded by Bilka to change the time of the April 9, 2013 Board of Directors from 7:30 pm to 1:30 pm and to hold a Special Board of Directors Meeting on the same day at 10:30 am. Motion carried.
2013-03-12-17	Meeting Administration		10		1	Moved by Bilka, seconded by Johnson to approve out-of-state travel for Nelson, Thorburn and others to go to Durango, CO on August 14-16, 2013. Motion carried.
2013-03-12-18	Projects	IPA Assessments	11			Moved by Raffety seconded by Olsen to set the 2013 IPA Assessments at Ft. Kearny - \$0.00, Fort Kearny West - \$0.15, North Dry Creek - \$0.05, Sacramento Creek - \$0.00, South Dry Creek - \$0.15 and Whiskey Slough - \$0.00. Motion carried.
2013-03-12-19	Meeting Administration		11			Moved by Garrelts, seconded by Lundeen to move to executive session for the protection of the public to discuss contractual matters at 3:30 p.m. Motion carried.
2013-03-12-20	Meeting Administration		11			Moved by Bergstrom, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 3:55 p.m. Motion carried.