

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, June 9, 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 7:32 p.m. Olsen noted Public Meeting Law is posted in the boardroom. Prior to the meeting, John Thorburn opened a public hearing and read the hearing notice concerning Sand Creek Landowner, Wm. Kuehn.

ROLL CALL

Roll call was taken with ten directors present: Bergstrom, Cavanaugh, Garrelts, Johnson, Larson, Lundeen, Olsen, Raffety, Reynolds and Winz. Bilka and Harris were absent. Nickel arrived at 7:42 p.m. 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 May 12, 2015, Board of Directors Meeting and May 11, 2015 Joint Meeting with CNPPID. Moved by Bergstrom, seconded by Johnson, to approve the minutes for the May 12, 2015 Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Johnson, Lundeen, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: Larson

ABSENT: Nickel, Harris and Bilka

Moved by Cavanaugh, seconded by Lundeen, to approve the minutes for the May 11, 2015 Joint Committee Meeting with CNPPID. Motion carried unanimously.

FINANCIAL REPORT

Thorburn presented the financial report for the month of May 2015 as follows:

| | |
|--|--------------|
| Accrual Expenditures for Month ----- | \$141,691.86 |
| Cash Expenditures for Month----- | \$145,073.35 |
| Accrual Revenues for Month----- | \$531,499.15 |
| Cash Revenues for Month----- | \$463,583.59 |
| Bank Balance—May 31, 2015----- | \$600,169.36 |
| Accounts Receivable – May 31, 2015----- | \$73,012.13 |
| Investments – Pinnacle Bank – May 31, 2015----- | \$50,053.66 |
| Whiskey Slough IPA Balance – May 31, 2015----- | \$18,805.43 |
| Fort Kearny-West IPA Balance – May 31, 2015----- | \$10,091.13 |
| South Dry Creek IPA Balance – May 31, 2015----- | \$12,385.17 |
| Fort Kearny IPA Balance – May 31, 2015----- | \$11,482.47 |
| North Dry Creek IPA Balance – May 31, 2015----- | \$16,827.52 |
| Sacramento Creek IPA Balance – May 31, 2015----- | \$22,625.02 |
| Water Jamboree – May 31, 2015----- | \$2,813.60 |
| NRRMDA – May 31, 2015----- | \$7,623.32 |
| Odessa IPA – May 31, 2015----- | \$8,726.18 |

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

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AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Nickel, Harris and Bilka

SPECIAL BILLS

Thorburn presented the VISA, E-A Consulting and attorney bills for approval. Moved by Garrelts, seconded Johnson to approve the visa and attorney bills. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Nickel, Harris and Bilka

Moved by Garrelts, seconded Larson to approve the E-A Consulting bill. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Nickel, Harris and Bilka

NRCS REPORT

FSA Farm Plans: Breece presented one farm plan for approval. Moved by Raffety, seconded Bergstrom to approve one farm plan. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Nickel, Harris and Bilka

Activity and Progress Report: Breece reported the Ogallala Aquifer grant submission was not approved. Staff has been working on quality assurance reviews, twenty-two CSP contracts were approved and Breece will be helping with an ArcGIS workshop at the ESU #11 to encourage students to consider GIS as a career. Breece mentioned Brian and Jenice Bergstrom completed the Online Client Gateway Conservation Planning Service application.

COST SHARE REPORT

Well Abandonment – Thorburn presented four well decommissioning cost-share applications for approval. Moved by Winz seconded by Johnson to approve four well decommissioning cost-share applications. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Nickel, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

NSWCP & NRD Applications – Thorburn did not recommend any NSWCP cost-share applications for approval. Garrelts asked if landowners that have not been approved this fiscal year will have the opportunity to re-apply. Lynch explained that landowners are contacted by NRCS to see if they want to resubmit their applications for next fiscal year. The next time irrigation practices will be approved is in September 2015.

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – Thorburn presented two groundwater transfer requests (Gladys Forsyth Trust and Rowland Farms) and three certified irrigated acre transfer requests (D&B Farms Partnership, Isaac O Redfern and L&L Johnson Farms). Ike Redfern, Lavern Johnson, Linda Johnson, Dale Murdoch, and Randy Bialas were present to answer questions.

Moved by Reynolds, seconded by Larson to approve groundwater transfer requests (Gladys Forsyth Trust and Rowland Farms) and three certified irrigated acre transfer requests (D&B Farms Partnership, Isaac O Redfern and L&L Johnson Farms). Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Nickel, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

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. Lee Wells commented on the flooding at the Odessa IPA. Wells expressed concern that the actions of TBNRD were creating high groundwater water levels on his property.

UNFINISHED BUSINESS

Approve Amendment to Agreement with CNPPID and NDNR for High Flow Diversions: The board approved entering into this agreement at the May 2015 Board Meeting. Moved by Garrelts, seconded by Winz to approve an amendment to the agreement with CNPPID, NDNR and TBNRD for high flow diversions. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts. Johnson, Larson, Lundeen, Nickel, Olsen, Raffety, Reynolds, and Winz

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

Consider Negotiating with Wm. Kuehn for Sand Creek Reservoir (after hearing): This agenda item will be discussed after the hearing is closed.

Approve Reimbursement Agreement with Ducks Unlimited: John Denton, Ducks Unlimited, was present to give a report on wetland projects for Cottonwood Ranch, Alberts and Hinrichs projects. Thorburn explained that an agreement is needed to reimburse Ducks Unlimited for NET Grant funding that TBNRD received, which is pass through funding. Moved by Lundeen, seconded by Nickel to approve a reimbursement agreement with Ducks Unlimited for the Cottonwood Ranch and other NET pass through funding. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

NARD REPORT

Reynolds mentioned that the NARD Risk Pool recommended a three percent increase in health insurance premiums and no increase in dental premiums for fiscal year 2015-2016.

COMMITTEE REPORTS

Joint Meeting with CNPPID: Thorburn reported the Joint Committee discussed, J-2 Re-regulation Reservoir progress, CNPPID's proposed water lease, sustainability of the mound and long-term diversion agreements.

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): The Basin-Wide Stakeholders meeting will be held June 16, 2015 in Cambridge, NE.

Platte Basin: IMP Progress Meeting will be held June 18, 2015 in North Platte at 1 p.m.

South Dry Creek: Weed Spraying and shredding being done by staff.

Sacramento Creek: Weed Spraying and shredding being done by staff.

Middle Lost Creek: Thorburn gave a slide show presentation of flood damage.

Fort Kearny West: Weed Spraying and shredding being done by staff.

Fort Kearny: Weed Spraying and shredding being done by staff. Thorburn gave a slide show presentation of flood damage.

North Dry Creek: Weed Spraying and shredding being done by staff.

Whiskey Slough: Weed Spraying and shredding being done by staff. Thorburn gave a slide show presentation of flood damage.

Odessa IPA: Thorburn gave a slide show presentation of flood damage.

Lake Seldom: Partners are working with Rainwater Basin Joint Venture on a management Plan.

CoHyst/Platte Basin Coalition: CoHyst will have new budget for FY 2015-2016 and Platte Basin Coalition will meet June 18, 2015.

Sand Creek/Little Blue Basin: Sand Creek landowner hearing was held today. LBNRD is developing a Basin-Wide Integrated Management Plan.

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

CNPPID: Ford reported Lake McConaughay is at elevation 3258.3.

NEW BUSINESS

Consider Entering into Agreements with Landowners along Spring Creek for Flow Diversion: Thorburn explained that TBNRD, CNPPID and NDNR have been cooperating to initiate a project to redirect Platte River high diversion into Spring Creek to benefit the Republican Basin. Eleven of twelve landowners agreed to participate but one declined, leaving the project unable to proceed. NDNR is interested in a more permanent project for future opportunities.

UNFINISHED BUSINESS

Consider Negotiating with Wm. Kuehn for Sand Creek Reservoir (after hearing): Thorburn explained that state law requires a thirty day “cooling-off” period after the hearing.

Moved by Johnson, seconded by Cavanaugh to enable negotiations with Wm. Kuehn for Sand Creek property rights. Motion Tabled.

Moved by Nickel, seconded by Garrelts to table the following motion until the July 2015 Board Meeting. Motion carried.

AYE: Bergstrom, Garrelts, Lundeen, Nickel, Olsen, Raffety, Reynolds, and Winz

NAY: Cavanaugh, Johnson and Larson

ABSTAIN: None

ABSENT: Harris and Bilka

Moved by Reynolds, seconded by Larson to authorize cleaning of flood damage on the affected IPA's. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

Schedule Special Board Meeting: A board workshop will be held on July 14, 2015 at 9 am and the Executive Committee will meet July 7, 2015 at 9 a.m.

PERSONNEL & LEGAL MATTERS

Moved by Reynolds, seconded by Lundeen to move to executive session for the protection of the public to discuss legal issues at 8.48 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

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Moved by Nickel, seconded by Raffety to move out of executive session for the protection of the public to discuss legal issues at 9:25 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Harris and Bilka

COMMENTS AND CONCERNS

There were no comments or concerns.

NEXT BOARD MEETING

TBNRD Regular Board Meeting will be held 1:30 p.m., and Special Board Meeting at 9 a.m. on Tuesday, July 14, 2015, at Tri-Basin NRD

ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.

DIRECTORS PRESENT

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

OTHERS PRESENT

Carie Lynch, John Thorburn, Tammy Fahrenbruch, Dave Ford, Kevin Breece, Lee Wells, Ike Redfern, Charles Brooks, Randy Bialas, Dale Murdoch, John Denton, Lavern Johnson, Roy John Nelson, William Pittner, Wayne Anderson and Linda Johnson.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
TRI-BASIN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
June 9, 2015

| ID | Motion # | Category | Subject | Aye | Nay | Abs | Motion |
|----|---------------|---------------------------|---|-----|-----|-----|--|
| | 2015-06-12-01 | Meeting Administration | | 9 | | 1 | Moved by Bergstrom, seconded by Johnson, to approve the minutes for the May 12, 2015 Board of Directors Meeting. Motion carried. |
| | 2015-06-12-02 | Meeting Administration | | | | | Moved by Cavanaugh, seconded by Lundeen, to approve the minutes for the May 11, 2015 Joint Committee Meeting with CNPPID. Motion carried unanimously. |
| | 2015-06-12-03 | Meeting Administration | | 10 | | | Moved by Larson, seconded by Lundeen, to accept the May 2015 financial reports and file for audit. Motion carried. |
| | 2015-06-09-04 | Budget | | 10 | | | Moved by Garrelts, seconded Johnson to approve the visa and attorney bills. Motion carried. |
| | 2015-06-09-05 | Budget | | 10 | | | Moved by Garrelts, seconded Larson to approve the E-A Consulting bill. Motion carried. |
| | 2015-06-09-06 | Meeting Administration | | 10 | | | Moved by Raffety, seconded Bergstrom to approve one farm plan. Motion carried. |
| | 2015-06-09-07 | Meeting Administration | | 11 | | | Moved by Winz seconded by Johnson to approve four well decommissioning cost-share applications. Motion carried. |
| | 2015-06-09-08 | Certification & Transfers | Forsyth, D&B Farms, Isaac Redfern and L&L Johnson | 11 | | | Moved by Reynolds, seconded by Larson to approve groundwater transfer requests (Gladys Forsyth Trust and Rowland Farms) and three certified irrigated acre transfer requests (D&B Farms Partnership, Isaac O Redfern and L&L Johnson Farms). Motion carried. |
| | 2015-06-09-09 | Agreements | High Flow Diversions amendment | 11 | | | Moved by Garrelts, seconded by Winz to approve an amendment to the agreement |

| | | | | | | | |
|---------------|------------------------|--------------------------------|----|---|--|--|---|
| | | | | | | | with CNPPID, NDNR and TBNRD for high flow diversions. Motion carried. |
| 2015-06-09-10 | Agreements | Ducks Unlimited | 11 | | | | Moved by Lundeen, seconded by Nickel to approve a reimbursement agreement with Ducks Unlimited for the Cottonwood Ranch and other NET pass through funding. Motion carried. |
| 2015-06-09-11 | Projects | Wm Kuehn Property – Sand Creek | | | | | Moved by Johnson, seconded by Cavanaugh to enable negotiations with Wm. Kuehn for Sand Creek property rights. Motion Tabled. |
| 2015-06-09-12 | Meeting Administration | | 8 | 3 | | | Moved by Nickel, seconded by Garrelts to table the following motion until the July 2015 Board Meeting. Motion tabled. |
| 2015-06-09-13 | Projects | IPA flood damage | 11 | | | | Moved by Reynolds, seconded by Larson to authorize cleaning of flood damage on the affected IPA's. Motion carried. |
| 2015-06-09-14 | Meeting Administration | | 11 | | | | Moved by Reynolds, seconded by Lundeen to move to executive session for the protection of the public to discuss legal issues at 8.48 p.m. Motion carried. |
| 2015-06-09-15 | Meeting Administration | | 11 | | | | Moved by Nickel, seconded by Raffety to move out of executive session for the protection of the public to discuss legal issues at 9:25 p.m. Motion carried. |