

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, September 11, 2012, 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 Nickel, at 7:30 p.m. Nickel noted Public Meeting Law is posted in the boardroom. Prior to the meeting hearings on the FY 2012-2013 Budget and Groundwater Management Rules Changes were opened.

**ROLL CALL**

Roll call was taken with ten directors present: Bergstrom, Bilka, Johnson, Larson, Lundeen, Nickel, Olsen, Raffety, Reynolds and Winz. Harris, Garrelts and Nelson 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 Raffety, seconded by Lundeen to excuse Olsen from the July and August 2012 Board Meetings. Motion carried.

AYE: Bergstrom, Bilka, Johnson, Larson, Lundeen, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Olsen

ABSENT: Garrelts, Harris and Nelson

**MINUTES**

Nickel presented the minutes of the August 9, 2012 Board of Director's Meeting and Public Hearing and August 30, 2012 Executive Committee Meeting. Winz noted a spelling correction on a landowner name (Kuck).

Moved by Raffety, seconded by Lundeen, to approve the minutes for the August 9, 2012 Board of Directors Meeting. Motion carried.

AYE: Bergstrom, Bilka, Johnson, Larson, Lundeen, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Olsen

ABSENT: Garrelts, Harris and Nelson

Moved by Lundeen, seconded by Bilka, to approve the minutes for the August 9, 2012 Budget Hearing. Motion carried.

AYE: Bergstrom, Bilka, Johnson, Larson, Lundeen, Raffety, Reynolds, Winz and Nickel

NAY: None

ABSTAIN: Olsen

ABSENT: Garrelts, Harris and Nelson

Moved by Lundeen, seconded by Olsen, to approve the minutes for the August 30, 2012 Executive Committee Meeting. Motion carried unanimously.

**FINANCIAL REPORT**

Thorburn presented the financial report for the month of August 2012 as follows:

Accrual Expenditures for Month -----	\$92,539.97
Cash Expenditures for Month-----	\$93,524.81
Accrual Revenues for Month-----	\$14,023.00
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Cash Revenues for Month-----	\$14,286.81
Bank Balance—August 31, 2012-----	\$22,527.07

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Accounts Receivable – August 31, 2012-----	\$18,000.89
Investments – August 31, 2012-----	\$200.51

Investments – Pinnacle Bank – August 31, 2012-----	\$1,001,886.9
-	2
Whiskey Slough IPA Balance – August 31, 2012-----	\$17,707.40
Fort Kearny-West IPA Balance – August 31, 2012-----	\$6,465.64
South Dry Creek IPA Balance – August 31, 2012-----	\$8,222.28
Fort Kearny IPA Balance – August 31, 2012-----	\$11,988.09
North Dry Creek IPA Balance – August 31, 2012-----	\$16,229.58
Sacramento Creek IPA Balance – August 31, 2012-----	\$22,740.17
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Moved by Bergstrom, seconded by Lundeen, to accept the August 2012 financial reports and file for audit. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

#### SPECIAL BILLS

Thorburn presented the VISA, Attorney and NRRMD bills for approval.

Moved by Lundeen, seconded by Bilka to approve the visa bills, attorney bill and NRRMDA bill. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

#### NRCS REPORT

**FSA Farm Plans:** Breece presented one farm plan for approval for Erick Ray Erickson Sr. and noted it was the first soybean to soybean rotation ever presented for approval. Moved by Reynolds, seconded by Larson to approve a farm plan for Erick Ray Erickson Sr. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**Activity and Progress Report:** Breece reported 149 EQIP contracts totaling \$3 million were written and that Gosper received drought relief funding.

#### COST SHARE REPORT

**Well Abandonment** – Thorburn commented there were no well decommissioning cost-share applications to approve.

**NSWCP & NRD Applications** – Thorburn presented seven NSWCP cost-share applications and a Nebraska Wild plan. Moved by Olsen, seconded by Larson to approve seven NSWCP Cost-share applications. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

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Moved by Raffety, seconded by Bilka to approve a Nebraska Wild Contract for Robert Prosocki. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented one irrigated acre transfer request for Sandra Wimer and two special requests from Ron Ronhovde and Brian Kissinger (Ft. Kearney Consolidated). Ron Ronhovde is requesting that a well he is replacing be repurposed as a livestock well. Brian Kissinger (Ft. Kearny Consolidated) is requesting two new wells (conditional replacement wells) for a feedlot expansion. There was discussion of expansion of use and the associated offset requirement. Tom Downey, Downey Well Drilling, was present to answer questions.

Moved by Reynolds, seconded by Olsen to approve an irrigated acre transfer request for Sandra K. Wimer. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**New Well Variances** – Moved by Reynolds, seconded by Lundeen to allow Ron Ronhovde to change the use of their irrigation well to a stock well. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

Moved by Reynolds, seconded by Lundeen to approve two replacement well permits (livestock expansion) for Brian Kissinger/Ft. Kearny Consolidated. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**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. Todd Rapstine, Aurora Coop, was present to talk about using herbicide with nitrate application to control weed infestation. The herbicide is more effective if sprayed in the fall with a small nitrate application, which won't allow the herbicide to freeze. Thorburn commented that current nitrogen management rules would have to be modified. Reynolds asked that the issue be sent to the committee for evaluation. Nickel considered it testimony to the rules because a small change to the rules would allow application.



**UNFINISHED BUSINESS**

**NDC Augmentation Well Summary:** Thorburn reviewed the North Dry Creek Streamflow Augmentation Project. Thorburn mentioned concrete was poured around the well this summer and the spillway has eroded and needs work. Pumping data was reviewed. UNK students sampled forage fish and took temperature readings in North Dry Creek and will present information to the board.

**Consider Approving 1% Increase in Levy:** Moved by Johnson, seconded by Larson to approve an additional 1% increase in unused budget authority for FY 2012-2013 Budget. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**Set FY 2012-2013 Levy:** Moved by Bergstrom, seconded by Raffety to approve setting the FY 2012-2013 Budget levy at a different rate than the previous year. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**Presentation about KS vs NE Trial:** This agenda item will be discussed in executive session.

**Consider Changes to NRD Rules:** Thorburn explained additional changes to rules and regulations suggested by NDNR and Todd Rapstine would require another public hearing. Thorburn suggested approving the current rules as written. Additional changes could be set as District policy until another hearing is set. Moved by Reynolds, seconded by Olsen to approve the Groundwater Management Rules and Regulations as written. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

Moved by Reynolds, seconded by Lundeen to direct Thorburn to draft additional changes to the Groundwater Management Rules based on testimony at the public hearing and schedule another public hearing. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

Moved by Reynolds, seconded by Winz to direct Thorburn to make a change to Groundwater Management Rules, section 3.5.2 to allow for application of herbicide in fall and present to board. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**NARD Tree Sales Agreement:** Thorburn presented the NARD Tree Sales Agreement. Moved by Reynolds, seconded by Olsen to approve the NARD Tree Sales Agreement. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

#### **NARD REPORT**

**NARD Fall Conference Resolutions:** Thorburn mentioned the NARD Fall Conference is September 24-25, 2012. Thorburn reviewed the revised Weed Management resolution. The resolution would be submitted as an amendment to the original resolution. Moved by Raffety, seconded by Winz to forward the proposed revised Weed Management Resolution. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

#### **COMMITTEE REPORTS**

There were no committee reports.

#### **STAFF REPORTS & NECESSARY ACTION**

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

**Out-of-State Travel:** There was no out-of-state travel to approve.

#### **MONTHLY REPORTS**

**Republican Basin (NRRMD):** Meeting was held Friday, September 7, 2012. This year is expected to be a compact call year which applies to MRNRD, LRNRD and URNRD. This means that wells could be shut off in the Republican valley, surface water leased and other measures put in place. TBNRD is required to provide reduction of 1,000 af annually by 2017 and 2,000 af by 2022.

**Platte Basin:** Thorburn was made chairman of a sub-committee of the Platte Coalition. The sub-committee organizes a study of conservation measures.

**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.

**Lake Seldom:** Brooks is seeking approval to donate hay from Lake Seldom to ranchers in northern Nebraska.

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

**Weed Management Areas – Riparian Vegetation Task Force:** Nothing to report.

**Sand Creek/Little Blue Basin:** Thorburn explained he received bids for roadwork on dam. Moved by Reynolds, seconded by Winz to present the EA Associates bid to the Kearney County Board for road work on dam. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

**CNPPID:** Ford reported Lake McConaughay has an elevation of 3238 ft. Ford mentioned 2012 has been the driest growing season since 1956.

#### **NEW BUSINESS**

**Review Proposed Agreement with CNPPID for Diverting Excess Platte Flows:** This agenda item will be discussed in executive session.

**Consider Request to Install Center Pivot “Corner” System on Parcel with Dryland Corner Acres:** Thorburn explained that a landowner in Phelps county transferred acres from two pivot corners and now wants to install a pivot corner system, but not irrigate the corners until he transfers acres there. Thorburn expressed concern about monitoring. TBNRD could issue a cease and desist order if he irrigates the corner. When he transferred the acres away from the corners, he signed an agreement that he will not irrigate the two corners.

**Consider Adjusting Allocations When Flowmeters are Inaccurate:** Thorburn explained that three landowners in Union Township have flowmeters that are inaccurate. Two wells have spurling meters that are approximately 12% off. Another meter functions but the well can't fill the pipe, so the meter can't measure the flow accurately. Thorburn asked the board to allow staff to estimate water pumped and correct inaccuracies for this irrigation season, then the landowner would need to fix the meters or modify the install to allow the meters to read accurately or live with the current reading system.

Moved by Johnson, seconded by Larson to allow staff to estimate inaccurate meter readings for the most recent past cropping season and inform the landowner that he needs to fix the meter (or modify the meter install) or accept inaccurate readings in the future. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

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

Moved by Winz, seconded by Raffety to move to executive session for the protection of the public to discuss contractual matters at 9:24 p.m. Motion carried.

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

NAY: None

ABSTAIN: None



ABSENT: Garrelts, Harris and Nelson

Moved by Olsen, seconded by Raffety to move out of executive session for the protection of the public to discuss contractual matters at 10:10 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

Moved by Larson, seconded by Winz to accept the Executive Committee's recommendation to direct Thorburn to draft a letter to Don Kraus, to be reviewed by Chairman Nickel. The letter will state that the committee recommends that Tri-Basin NRD work with CNPPID to develop and file a joint operating agreement to divert excess flows from the Platte River for purposes of augmenting base flows of the Platte River and its tributaries, and to recharge groundwater supplies within the district. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Garrelts, Harris and Nelson

#### **COMMENTS AND CONCERNS**

There were no comments or concerns.

#### **NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held on Tuesday, October 9, 2012 at 7:30 p.m., at Tri-Basin NRD.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:49 p.m.

#### **DIRECTORS PRESENT**

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

#### **OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Dave Ford, Kevin Breece, Tom Downey, Todd Rapstine, Tammy Fahrenbruch, and Nolan Little.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 September 11, 2012

Motion #	Category	Subject	Aye	Nay	Abs	Motion
2012-09-11-01	Meeting Administration		9		1	Moved by Raffety, seconded by Lundeen to excuse Olsen from the July and August 2012 Board Meetings. Motion carried.
2012-09-11-02	Meeting Administration		9		1	Moved by Raffety, seconded by Lundeen, to approve the minutes for the August 9, 2012 Board of Directors Meeting. Motion carried.
2012-09-11-03	Meeting Administration		9		1	Moved by Lundeen, seconded by Bilka, to approve the minutes for the August 9, 2012 Budget Hearing. Motion carried.
2012-09-11-04	Meeting Administration					Moved by Lundeen, seconded by Olsen, to approve the minutes for the August 30, 2012 Executive Committee Meeting. Motion carried unanimously.
2012-09-11-05	Meeting Administration		10			Moved by Bergstrom, seconded by Lundeen, to accept the August 2012 financial reports and file for audit. Motion carried.
2012-09-11-06	Budget		10			Moved by Lundeen, seconded by Bilka to approve the visa bills, attorney bill and NRRMDA bill. Motion carried.
2012-09-11-07	Meeting Administration		10			Moved by Reynolds, seconded by Larson to approve a farm plan for Erick Ray Erickson Sr. Motion carried.
2012-09-11-08	Meeting Administration		10			Moved by Olsen, seconded by Larson to approve seven NSWCP Cost-share applications. Motion carried.
2012-09-11-09	District Plans & Programs	NE Wild Prososki	10			Moved by Raffety, seconded by Bilka to approve a Nebraska Wild Contract for Robert Prososki. Motion carried.
2012-09-11-10	Certifications & Transfers	Wimer	10			Moved by Reynolds, seconded by Olsen to approve an irrigated acre transfer request for Sandra K. Wimer. Motion carried.
2012-09-11-11	Certifications & Transfers	Ronhovde	10			Moved by Reynolds, seconded by Lundeen to allow Ron Ronhovde to change the use of their irrigation well to a stock well. Motion carried.
2012-09-11-12	Certifications & Transfers	Ft. Kearny Con.	10			Moved by Reynolds, seconded by Lundeen to approve two replacement well permits (livestock expansion) for Brian Kissinger/Ft. Kearny Consolidated. Motion carried.
2012-09-11-13	Budget		10			Moved by Johnson, seconded by Larson to approve an additional 1% increase in unused budget authority for FY 2012-2013

					Budget. Motion carried.
2012-09-11-14	Budget		10		Moved by Bergstrom, seconded by Raffety to approve setting the FY 2012-2013 Budget levy at a different rate than the previous year. Motion carried.
2012-09-11-15	District Plans & Programs	GW Mgmt.	10		Moved by Reynolds, seconded by Olsen to approve the Groundwater Management Rules and Regulations as written. Motion carried.
2012-09-11-16	District Plans & Programs	GW Mgmt.	10		Moved by Reynolds, seconded by Lundeen to direct Thorburn to draft additional changes to the Groundwater Management Rules based on testimony at the public hearing and schedule another public hearing. Motion carried.
2012-09-11-17	District Plans & Programs	GW Mgmt.	10		Moved by Reynolds, seconded by Winz to direct Thorburn to make a change to Groundwater Management Rules, section 3.5.2 to allow for application of herbicide in fall and present to board. Motion carried.
2012-09-11-18	Agreements	NARD Tree Sales	10		Moved by Reynolds, seconded by Olsen to approve the NARD Tree Sales Agreement. Motion carried.
2012-09-11-19	Resolutions & Legislation	Weed Mgmt Resolution	10		Moved by Raffety, seconded by Winz to forward the proposed revised Weed Management Resolution. Motion carried.
2012-09-11-20	Projects	Sand Creek	10		Moved by Reynolds, seconded by Winz to present the EA Associates bid to the Kearney County Board for road work on dam. Motion carried.
2012-09-11-21	Policies – By-Laws	Inaccurate meter readings	10		Moved by Johnson, seconded by Larson to allow staff to estimate inaccurate meter readings for the most recent past cropping season and inform the landowner that he needs to fix the meter (or modify the meter install) or accept inaccurate readings in the future. Motion carried.
2012-09-11-22	Meeting Administration		10		Moved by Winz, seconded by Raffety to move to executive session for the protection of the public to discuss contractual matters at 9:24 p.m. Motion carried.
2012-09-11-23	Meeting Administration		10		Moved by Olsen, seconded by Raffety to move out of executive session for the protection of the public to discuss contractual matters at 10:10 p.m. Motion carried.
2012-09-11-24	Agreements	CNPPID divert excess flows	10		Moved by Larson, seconded by Winz to accept the Executive Committee's recommendation to direct Thorburn to draft a letter to Don Kraus, to be reviewed by Chairman Nickel. The letter will state that the committee recommends that Tri-Basin NRD work with CNPPID to develop and file

						a joint operating agreement to divert excess flows from the Platte River for purposes of augmenting base flows of the Platte River and its tributaries, and to recharge groundwater supplies within the district. Motion carried.
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