

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, September 12, 2017, 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, Dave Olsen, at 1:32 p.m. Olsen noted Public Meeting Law is posted in the boardroom. Prior to the meeting, Thorburn opened a Public Hearing to set the FY 2017-2018 Budget at a different levy rate.

**ROLL CALL**

Roll call was taken with twelve directors present: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds. Bilka was absent. 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 August 8, 2017, Board of Directors meeting and budget hearing. Moved by Bergstrom, seconded by Harris, to approve the minutes for the August 8, 2017 Board of Directors Meeting and budget hearing Motion carried.

AYE: Bergstrom, Cavanaugh, Harris, Hinrichs, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: Garrelts and Johnson

ABSENT: Bilka

**FINANCIAL REPORT**

Thorburn presented the financial report for the month of August 2017 as follows:

Accrual Expenditures for Month -----	\$113,839.20
Cash Expenditures for Month-----	\$135,007.61
Accrual Revenues for Month-----	\$47,816.36
-	
Cash Revenues for Month-----	\$68,550.99
Bank Balance–August 31, 2017-----	\$542,988.88
-	
Accounts Receivable – August 31, 2017-----	\$2,940.19
Investments – Pinnacle Bank – August 31, 2017-----	\$450,712.19
-	
Building Sinking Fund – August 31, 2017-----	\$31,199.82
-	
Vehicle Sinking Fund – August 31, 2017-----	\$77,495.68
Water Resources Fund – August 31, 2017-----	\$626,226.23
Whiskey Slough IPA Balance – August 31, 2017-----	\$16,964.02
Fort Kearny-West IPA Balance – August 31, 2017-----	\$12,667.07
South Dry Creek IPA Balance – August 31, 2017-----	\$14,651.33
Fort Kearny IPA Balance – August 31, 2017-----	\$13,113.79
Sacramento Creek IPA Balance – August 31, 2017-----	\$11,828.47
-	
North Dry Creek IPA Balance – August 31, 2017-----	\$12,769.42
Water Jamboree – August 31, 2017-----	\$5,535.37

-	
NRRMDA – August 31, 2017-----	\$7,628.48
Odessa IPA – August 31, 2017-----	\$7,500.62

Moved by Johnson, seconded by Larson to accept the August 2017 financial reports and file for audit.  
Motion carried.

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AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**SPECIAL BILLS**

Thorburn presented the VISA, attorney, NDNR, JEO and PRD bills for approval. Moved by Raffety, seconded Lundeen to approve the attorney, NDNR, JEO, VISA and PRD bills. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**NRCS REPORT**

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

**Activity and Progress Report:** Kevin Breece reported 53 CSP applications were completed and will be paid in October.

**COST SHARE REPORT**

**Well Abandonment** – Thorburn presented one well decommissioning application to approve. Moved by Lundeen, seconded Garrelts to approve one well decommissioning application. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**NSWCP & NRD Applications** – There were no NSWCP or TBNRD applications to approve.

**GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented one groundwater transfer request for Steven Anderson and a special request from Charles Tomsen to convert livestock acres to irrigated acres. Steven Anderson was present to answer questions. Moved by Reynolds, seconded Raffety to approve a groundwater transfer request for Steven Anderson and a special request from Charles Tomsen to convert livestock acres to irrigated crop land. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: 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.

**UNFINISHED BUSINESS**

**Approve Agreement with CNPPID for Diverting Platte Excess Flows:** Thorburn explained the only changes to the agreement are the rates and the term (2.5 years). There was discussion about the rates and whether they could be stacked. Thorburn stated that only one rate could be applied to a release, depending on the source. Moved by Garrelts, seconded by Lundeen to approve an agreement with CNPPID for excess flows from the Platte River. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**Appoint Jim Bendfeldt Representative and John Thorburn Alternate Representative for the PRRIP LAC:** Moved by Raffety, seconded by Johnson to appoint Jim Bendfeldt as representative and John Thorburn as alternate representative for the PRRIP LAC. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**FY 2017-2018 Budget – Consider Levey Different from Previous Year:** This item will be addressed when the hearing is closed.

**NARD REPORT**

**NARD Fall Conference Resolutions:** Thorburn presented two resolutions for the NARD Fall Conference: LBNRD's resolution relating to NEMA funding and TBNRD's relating to surface water leasing. Thorburn noted a change on TBNRD's resolution. Moved by Reynolds, seconded Lundeen to approve TBNRD's revised resolution (Surface Water Leasing for Groundwater Recharge). Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Reynolds, seconded Cavanaugh to support LBNRD's resolution (Natural Disaster Assistance Funding through NEMA). Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**COMMITTEE REPORTS**

**Executive Committee:** Items discussed at the Executive Committee Meeting on September 9, 2017 will be discussed in Executive Session.

**Planning Committee:** Thorburn reviewed recommendations from the Projects and Construction Committee that was held this morning concerning water banking. The committee is will be working to will develop guidelines for a water bank to be presented to the board at a later date. The water bank could implement a voluntary allocation or retirement of irrigated acres, providing TBNRD with offset opportunities.

**STAFF REPORTS & NECESSARY ACTION**

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

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

**MONTHLY REPORTS**

**Republican Basin (NRRMDA):** Compact meeting was held.

**Platte Basin:** Stakeholder's meeting will be September 20, 2017.

**South Dry Creek:** Staff has been spraying scouring rush.

**Sacramento Creek:** Staff has been spraying scouring rush.

**Middle Lost Creek:** Staff has been spraying scouring rush.

**Fort Kearny West:** Staff has been spraying scouring rush.

**Fort Kearny:** Staff has been spraying scouring rush.

**North Dry Creek:** Staff has been spraying scouring rush.

**Whiskey Slough:** Staff has been spraying scouring rush.

**Odessa IPA:** Staff has been spraying scouring rush.

**Lake Seldom:** Restoration work is almost done.

**CoHyst/Platte Basin Coalition:** CoHyst will met next week. Platte Basin Coalition meets October 2, 2017.

**Sand Creek/Little Blue Basin:** Thorburn sent out a request for proposals for recharge structures. LBNRD and TBNRD Executive Committees will meet Thursday, September 14, 2017 in Kenesaw at 6:30 p.m.

**Platte-Republican Diversion & Republican Basin Augmentation Well:** PRD item will be discussed in executive session.

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

**CNPPID:** Ford reported Lake McConaughy is at elevation 3247 and 72% capacity.

**NEW BUSINESS**

**UNFINISHED BUSINESS**

**FY 2017-2018 Budget – Consider Levey Different from the Previous Year:** Moved by Garrelts, seconded Larson to close the hearing to set the FY 2017-2018 levy different from the previous year. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Cavanaugh, seconded by Hinrichs to set the FY 2017-2018 levy different at a different rate from the previous year. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

**COMMENTS AND CONCERNS**

There were no comments and concerns.

**PERSONNEL & LEGAL MATTERS**

Moved by Garrelts, seconded Lundeen to move to executive session for protecting the public to discuss contractual matters with Todd Siel and Scott Dicke also present at 2:15 p.m. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Raffety, seconded Johnson to move out of executive session for protecting the public to discuss contractual matters at 3:40 p.m. Motion carried.

AYE: Bergstrom, Cavanaugh, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Lundeen, Olsen, Raffety and Reynolds

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Garrelts seconded Reynolds to amend the following motion to make the purchase contingent upon approval of the water right and that the offer is only good for 60 days, with right of refusal or acceptance, after the board votes to proceed with the purchase on a property located in the Platte-Republican Diversion Project. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Raffety and Reynolds

NAY: Cavanaugh, Lundeen and Olsen

ABSTAIN: None  
ABSENT: Bilka  
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Moved by Bergstrom seconded Raffety to proceed with negotiations on a property located in the Platte-Republican Diversion Project and make the purchase contingent upon approval of the water right and that the offer is only good for 60 days, with right of refusal or acceptance, after the board votes to purchase the property. Motion carried.

AYE: Bergstrom, Garrelts, Harris, Hinrichs, Johnson, Jorgensen, Larson, Raffety and Reynolds

NAY: Cavanaugh, Lundeen and Olsen

ABSTAIN: None

ABSENT: Bilka

A Joint ad hoc Right-of-Way Acquisition committee will consist of TBNRD Directors: Cavanaugh, Reynolds and Hinrichs and members designated by LRNRD.

#### **NEXT BOARD MEETING**

TBNRD Regular Board Meeting on Tuesday, October 10, 2017 at 7:30 p.m.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 2:45 p.m.

#### **DIRECTORS PRESENT**

Brian Bergstrom, Mike Cavanaugh, Todd Garrelts, Ed Harris, Phyllis Johnson, Rob Hinrichs, Greg Jorgensen, Joe Larson, Brad Lundeen, Dave Olsen, Dave Raffety and Larry Reynolds.

#### **OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Dave Ford, Tammy Fahrenbruch, Steven Anderson, Chuck Drake, Scott Dicke and Todd Siel.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
TRI-BASIN NATURAL RESOURCES DISTRICT  
BOARD OF DIRECTORS MEETING  
September 9, 2017

ID	Motion #	Category	Subject	Aye	Nay	Abstain	
	2017-09-09-01	Meeting Administration		10		2	Moved by Bergstrom, seconded by Harris, to approve the minutes for the August 8, 2017 Board of Directors Meeting and budget hearing Motion carried.
	2017-09-09-02	Meeting Administration		12			Moved by Johnson, seconded by Larson to accept the August 2017 financial reports and file for audit. Motion carried.
	2017-09-09-03	Budget		12			Moved by Raffety, seconded Lundeen to approve the attorney, NDNR, JEO, VISA and PRD bills. Motion carried.
	2017-09-09-04	Meeting Administration		12			Moved by Lundeen, seconded Garrelts to approve one well decommissioning application. Motion carried.
	2017-09-09-05	Certification & Transfers	Anderson and Tomsen	12			Moved by Reynolds, seconded Raffety to approve a groundwater transfer request for Steven Anderson and a special request from Charles Tomsen to convert livestock acres to irrigated crop land. Motion carried.
	2017-09-09-06	Agreements	CNPPID PR Excess Flows	12			Moved by Garrelts, seconded by Lundeen to approve an agreement with CNPPID for excess flows from the Platte River. Motion carried.
	2017-09-09-07	Associations	PRRIP LAC Representative	12			Moved by Raffety, seconded by Johnson to appoint Jim Bendfeldt as representative and John Thorburn as alternate representative for the PRRIP LAC. Motion carried.
	2017-09-09-08	Resolutions & Legislation	2017 TBNRD Water Leasing Resolution	12			Moved by Reynolds, seconded Lundeen to approve TBNRD's revised resolution (Surface Water Leasing for Groundwater Recharge). Motion carried.
	2017-09-09-09	Resolutions & Legislation	2017 LBNRD Resolution FEMA	12			Moved by Reynolds, seconded Cavanaugh to support LBNRD's resolution (Natural Disaster Assistance Funding through NEMA). Motion carried.
	2017-09-09-10	Budget		12			Moved by Garrelts, seconded Larson to close the hearing to set the FY 2017-2018 levy different from the previous

						year. Motion carried.
2017-09-09-11	Budget			12		Moved by Cavanaugh, seconded by Hinrichs to set the FY 2017-2018 levy different at a different rate from the previous year. Motion carried.
2017-09-09-12	Meeting Administration			12		Moved by Garrelts, seconded Lundeen to move to executive session for protecting the public to discuss contractual matters with Todd Siel and Scott Dicke also present at 2:15 p.m. Motion carried.
2017-09-09-13	Meeting Administration			12		Moved by Raffety, seconded Johnson to move out of executive session for protecting the public to discuss contractual matters at 3:40 p.m. Motion carried.
2017-09-09-14	Projects	PRD Dornhoff Property		9	3	Moved by Garrelts seconded Reynolds to amend the following motion to make the purchase contingent upon approval of the water right and that the offer is only good for 60 days, with right of refusal or acceptance, after the board votes to proceed with the purchase on a property located in the Platte-Republican Diversion Project. Motion carried.
2017-09-09-15	Projects	PRD Dornhoff Property		9	3	Moved by Bergstrom seconded Raffety to proceed with negotiations on a property located in the Platte-Republican Diversion Project and make the purchase contingent upon approval of the water right and that the offer is only good for 60 days, with right of refusal or acceptance, after the board votes to purchase the property. Motion carried.