

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, February 21, 2012, 2:00 p.m.**  
**Tri-Basin Natural Resources District**

**CALL TO ORDER**

The regular monthly board meeting of the Tri-Basin Natural Resources District (NRD) was called to order by Chairman Dave Nickel, at 2:00 p.m. Nickel noted Public Meeting Law is posted in the boardroom.

**ROLL CALL**

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

Olsen was excused at the Special Board Meeting earlier in the day.

**MINUTES**

Nickel presented the minutes of the January 10, 2012 Board of Director's Meeting and February 7, 2012 Projects & Construction Committee Meeting.

Moved by Johnson, seconded by Garrelts, to approve the minutes for the January 10, 2012 Board of Directors Meeting. Motion carried.

AYE: Garrelts, Johnson, Larson, Lundeen, Nelson, Reynolds and Nickel

NAY: None

ABSTAIN: Bergstrom, Helms and Olsen

ABSENT: Harris, Raffety and Winz

Moved by Larson, seconded by Lundeen, to approve the minutes for the February 7, 2012 Projects & Construction Committee Meeting. Motion carried unanimously.

**FINANCIAL REPORT**

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

Accrual Expenditures for Month -----	\$89,116.80
Cash Expenditures for Month-----	\$80,260.26
Accrual Revenues for Month-----	\$168,462.07
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Cash Revenues for Month-----	\$172,241.36
Bank Balance—January 31, 2012-----	\$104,024.44
Accounts Receivable – January 31, 2012-----	\$13,908.22
Investments – January 31, 2012-----	\$203.55
Investments – Pinnacle Bank – January 31, 2012-----	\$1,022,103.18
Whiskey Slough IPA Balance – January 31, 2012-----	\$17,448.06
Fort Kearny-West IPA Balance – January 31, 2012-----	\$6,230.44
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South Dry Creek IPA Balance – January 31, 2012-----	\$8,414.61
Fort Kearny IPA Balance – January 31, 2012-----	\$12,421.89
North Dry Creek IPA Balance – January 31, 2012-----	\$16,300.82
Sacramento Creek IPA Balance – January 31, 2012-----	\$31,536.81

Moved by Nelson, seconded by Larson, to accept the January 2012 financial reports and file for audit. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

#### **SPECIAL BILLS**

Thorburn presented the VISA, attorney, CNPPID and Holdrege Well Service bills for approval. Thorburn explained that the CNPPID bill was for fall diversions into the Phelps County Canal. Total water diverted was 5558 total af. TBNRD paid for 2779 af. Total cost was \$138,954 with half paid by PRRIP and the other half split 60/40 between TBNRD with NDNR. \$41,686 was TBNRD's total. TBNRD will be reimbursed for one third of \$41,686 by the Environmental Trust (\$13,756). Garrelts ask that Thorburn get the amount of actual credit TBNRD will receive for the diversion.

Moved by Garrelts, seconded by Bergstrom to approve the visa bills. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

Moved by Johnson, seconded by Larson to approve the attorney bill. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

Moved by Lundeen, seconded by Helms to approve the Holdrege Well Service bill. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

Moved by Lundeen, seconded by Olsen to approve the CNPPID bill. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

#### **NRCS REPORT**

**FSA Farm Plans:** Michael Perry presented farm plans for Delp & Sons (2) and Gregg Family. Moved by Garrelts, seconded by Bergstrom to approve farm plans for Delp & Sons (2) and Gregg Family. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: Johnson

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

**Activity and Progress Report:** There was no activity report.

### **COST SHARE REPORT**

**Well Abandonment** – Holloway presented seven well decommissioning cost-share applications to approve. Moved by Nelson, seconded by Olsen to approve well decommissioning cost-share applications #59-#65. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

**NSWCP & NRD Applications** – Thorburn presented six NSWCP, two requests for second extensions and five TBNRD cost-share applications for approval. Thorburn mentioned that the Dave Dickmeyer application is eligible for approval. Moved by Johnson, seconded by Olsen to approve six NSWCP cost-share applications (WCG Land & Cattle - \$432.90, George Fong - \$3,354.13, Clinton Burgeson Farms - \$300.00, L&V Stadler - \$3,500 and Bill Nott - \$3,500, David Dickmeyer - \$1,673). Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

Moved by Reynolds, seconded by Helms to approve five TBNRD cost-share applications (Kyle Helms - \$1,867.60, Tim Ellenwood - \$661.32, Brett Dannull - \$1,167.25, BRJ Farms - \$2,743.44 and PJ Holen - \$1,462) and two second extensions for Norman Suhr Farms and Dennis Gengenbach. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

### **GROUNDWATER MANAGEMENT**

**Groundwater & Certified Acre Transfers** – Thorburn presented eight ground water transfer requests for Lisa Wiltshire (3), Paul Holt (3), L&V Stadler and Tom Madsen. Thorburn presented thirteen irrigated acre transfer requests for Joel Schutz, Tom Madsen (3), Russell Hawthorne, Wayne Farr (2), Brad Holen, Don Holen, Perry Jorgensen, Byron DeBoer (3). Thorburn presented three requests for corrections to certified irrigated acres for Don Johnson, Nebraska Educational Lands and Stephen Olson.

Moved by Bergstrom, seconded by Helms to accept the Planning Committee's recommendation to approve all groundwater transfers (Wiltshire, (3), Paul Holt (3), L&V Stadler and Thomas Madsen), irrigated acre transfers (Joel Schutz, Thomas Madsen (2), Russell Hawthorne, Wayne Farr (2), Brad Holen, Don Holen, Perry Jorgensen and Byron DeBoer (3)) and special requests (Vergene Wolfe, Nebraska Educational Lands and Stephen Olson) and that on transfer TBAT-0114 (Farr) end guns must be removed. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen and Reynolds

NAY: None

ABSTAIN: Nickel

ABSENT: Harris, Raffety and Winz

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Moved by Helms seconded by Olsen to accept the Planning Committee's recommendation to allow a landowner to rotate certified irrigated acres between fields contingent upon the landowner signing an affidavit by April 1 every year stating which acres he will irrigating. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

**New Well Variances** – There were no well variances to approve.

**Educational Land Leases** – Thorburn presented eleven Educational Land Leases for approval.

Moved by Olsen, seconded by Larson to approve eleven Educational Land Leases. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen and Reynolds

NAY: None

ABSTAIN: Nickel

ABSENT: Harris, Raffety 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**

**NDC Augmentation Well Agreement with NDNR:** Thorburn explained there is already an agreement with NDNR for construction of the North Dry Creek Streamflow Augmentation well. This agreement is an operational project agreement.

Moved by Johnson, seconded by Reynolds to approve the North Dry Creek Augmentation Project Agreement with NDNR. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

**Approve Draft of Republican Basin IMP and Schedule Public Hearing:** Thorburn suggested wording for the motion to approve the Republican Basin Integrated Management Plan: agree on goals and objectives of plan, approve geographic area, and approve surface and groundwater controls.

Moved by Helms, seconded by Lundeen to approve the Joint Republican Basin Integrated Management Plan, approve the proposed goals and objectives, approve the proposed geographic area and the proposed groundwater and surface water controls included in the plan and schedule a public hearing for April 10, 2012. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

**Review Proposals for Design – Sand Creek Reservoir:** Thorburn mentioned that this item was discussed at the special board meeting this morning and the board recommended that Thorburn talk with landowners at the three sites and try to get a rough estimation of dirt work costs.

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#### NARD REPORT

Thorburn mentioned NARD purchased a building for Husker Harvest Days. NARD 40<sup>th</sup> Anniversary tee-shirts are available.

#### COMMITTEE REPORTS

**Projects and Construction Committee:** Thorburn reviewed recommendations from the Projects and Construction Committee which met Tuesday, February 7, 2012.

Moved by Reynolds, seconded by Olsen to accept the recommendations of the Projects and Construction Committee to drill an observation well in Grant and May township in FY 2012-2013 and to allow Thorburn to initially approve tree cost-share subject to final board approval. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

**Executive Committee:** Committee members will set a meeting date later in the month.

#### STAFF REPORTS & NECESSARY ACTION

**Board Directives to Staff:** Thorburn noted the Board and Staff Directives were taken off the back of the Agenda and replaced with Committee Assignments and Directives located in the board packet.

**Out-of-State Travel:** Moved by Reynolds, seconded by Bergstrom to approve out-of-state travel for Thorburn on January 19, 2012 to Oberlin, KS and March 1, 2012 to Hays, KS. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Harris, Raffety and Winz

#### MONTHLY REPORTS

**Republican Basin (NRRMD):** Water Sustainability Task Force will meet February 24, 2012 in Lincoln and NRRMD will meet February 28, 2012 at 10:00 a.m. in Imperial.

**Platte Basin:** Land Advisory Committee met and a summary of activities was included in packet. PRRIP will be doing pulse flow this week. The Central Nebraska Water Conservation Task Force met. A new representative needs to be appointed for TBNRD.

**South Dry Creek:** IPA Meeting on March 2, 2012.

**Sacramento Creek:** : IPA Meeting on March 2, 2012.

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

**Fort Kearny West:** : IPA Meeting on March 2, 2012.

**Fort Kearny:** : IPA Meeting on March 2, 2012.

**North Dry Creek:** : IPA Meeting on March 2, 2012.

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**Whiskey Slough:** : IPA Meeting on March 2, 2012.

**Lake Seldom:** Nothing to report.

**CoHyst/PBHEP:** Modelers workshop set for July.

**Weed Management Areas – Riparian Vegetation Task Force:** Riparian Vegetation Task Force meeting will be held in April.

**Sand Creek/Little Blue Basin:** This item was discussed earlier.

**CNPPID:** Ford reported Lake McConaughay is at 81.4% capacity.

#### NEW BUSINESS

**Approve Platte Basin Initiative ILCA and Name a Representative and Alternate:** Consideration of approval will be delayed to another meeting.

**Consider Contribution Request from Phelps County Prosperity Project:** Thorburn explained Jeffrey Compton, Phelps Co. Development Corp, is asking TBNRD to contribute \$10,000, which could be spread over five years. Garrelts asked that this be discussed in executive session for protection of public as a contractual matter. Chairman Nickel referred this item to Executive Committee for review.

**Consider Request from URNRD for Participation in 40<sup>th</sup> Anniversary Promo Campaign:** URNRD has proposed a radio campaign for participation in 40<sup>th</sup> anniversary promotional campaign for \$5,000 over a 12 week period to be budgeted next fiscal year. Reynolds asked that the matter be sent to executive committee. Reynolds asked for more information about the message. Nelson commented the money should be used locally.

**Consider Proposal to Revise Phase 3 GW Quality Management Rules:** Thorburn explained the proposed change would allow fall fertilization in Phase III areas if a nitrification inhibitor is used. UBBNRD is adopting a similar but more restrictive policy. Lundeen asked that Ray Ward be consulted. Nickel suggested adding to the Planning Committee agenda.

**Projects & Construction Recommendation to Revise Tree Cost-Share Policy:** This agenda items was discussed earlier.

**Correct Certified Acres for KAAPA Ethanol Plant:** Thorburn explained that the Kearney Co. Assessor asked for certified irrigated acres from TBNRD for KAAPA. The Assessor is going to assess based on land use. TBNRD has 134 certified acres on record but there are only 125.6 actual acres. A reduction in acres would be a reduction to the baseline. Moved by Olsen, seconded by Bergstrom to correct KAAPA's certified irrigated acres from 144 to 125.6. Motion carried.

AYE: Bergstrom, Garrelts, Helms, Johnson, Larson, Lundeen, Nelson, Olsen and Reynolds

NAY: None

ABSTAIN: Nickel

ABSENT: Harris, Raffety and Winz

**PERSONNEL & LEGAL MATTERS**

There were no personnel or legal issues to discuss.

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**COMMENTS AND CONCERNS**

Lundeen had a question about the purpose of a letter from Mike Delka that was included in the packet. Thorburn will follow up with Delka.

**NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held on Tuesday, March 13, 2012 at 1:30 p.m., at Tri-Basin NRD.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 3:13 p.m.

**DIRECTORS PRESENT**

Brian Bergstrom, Todd Garrelts, Dick Helms, Phyllis Johnson, Joe Larson, Brad Lundeen, David Nelson, David Nickel, Dave Olsen and Larry Reynolds.

**OTHERS PRESENT**

John Thorburn, Carie Lynch, Nicole Salisbury, Michael Perry, Richard Holloway, Dave Ford, Stephen Olson, Charles Brooks, Tom Madsen, Kurt Holen, Byron DeBoer, Donald Johnson, Lori Potter, Joel Schutz, Jim Janda and Eugene Trausch.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 February 21, 2012

Motion #	Category	Subject	Aye	Nay	Absent	Motion
2012-02-21-1	Meeting Administration		7		3	Moved by Johnson, seconded by Garrelts, to approve the minutes for the January 10, 2012 Board of Directors Meeting. Motion carried.
2012-02-21-2	Meeting Administration		N/A	N/A	N/A	Moved by Larson, seconded by Lundeen, to approve the minutes for the February 7, 2012 Projects & Construction Committee Meeting. Motion carried unanimously.
2012-02-21-3	Meeting Administration		10			Moved by Nelson, seconded by Larson, to accept the January 2012 financial reports and file for audit. Motion carried.
2012-02-21-4	Budget		10			Moved by Garrelts, seconded by Bergstrom to approve the visa bills. Motion carried.
2012-02-21-5	Budget		10			Moved by Johnson, seconded by Larson to approve the attorney bill. Motion carried.
2012-02-21-6	Budget		10			Moved by Lundeen, seconded by Helms to approve the Holdrege Well Service bill. Motion carried.
2012-02-21-7	Budget		10			Moved by Lundeen, seconded by Olsen to approve the CNPPID bill. Motion carried.
2012-02-21-8	Meeting Administration		9	1		Moved by Garrelts, seconded by Bergstrom to approve farm plans for Delp & Sons (2) and Gregg Family. Motion carried.
2012-02-21-9	Meeting Administration		10			Moved by Nelson, seconded by Olsen to approve well decommissioning cost-share applications #59-#65. Motion carried.
2012-02-21-10	Meeting Administration		10			Moved by Johnson, seconded by Olsen to approve six NSWCP cost-share applications (WCG Land & Cattle - \$432.90, George Fong - \$3,354.13, Clinton Burgeson Farms - \$300.00, L&V Stadler - \$3,500 and Bill Nott - \$3,500, David Dickmeyer - \$1,673). Motion carried.
2012-02-21-11	Meeting Administration		10			Moved by Reynolds, seconded by Helms to approve five TBNRD cost-share applications (Kyle Helms - \$1,867.60, Tim Ellenwood - \$661.32, Brett Dannull - \$1,167.25, BRJ Farms - \$2,743.44 and PJ Holen - \$1,462) and two second extensions for Norman Suhr Farms and



						Dennis Gengenbach. Motion carried.
2012-02-21-12	Certification & Transfers		9		1	Moved by Bergstrom, seconded by Helms to accept the Planning Committee's recommendation to approve all groundwater transfers (Wiltshire, (3), Paul Holt (3), L&V Stadler and Thomas Madsen), irrigated acre transfers (Joel Schutz, Thomas Madsen (2), Russell Hawthorne, Wayne Farr (2), Brad Holen, Don Holen, Perry Jorgensen and Byron DeBoer (3)) and special requests (Vergene Wolfe, Nebraska Educational Lands and Stephen Olson) and that on transfer TBAT-0114 (Farr) end guns must be removed. Motion carried.
2012-02-21-13	Policies – By-Laws	Rotate Certified Acres	10			Moved by Helms seconded by Olsen to accept the Planning Committee's recommendation to allow a landowner to rotate certified irrigated acres between fields contingent upon the landowner signing an affidavit by April 1 every year stating which acres he will irrigating. Motion carried.
2012-02-21-14	Meeting Administration		9		1	Moved by Olsen, seconded by Larson to approve eleven Educational Land Leases. Motion carried.
2012-02-21-15	River Basins and Agreements	NDC ST Aug. Agreement with NDNR	10			Moved by Johnson, seconded by Reynolds to approve the North Dry Creek Augmentation Project Agreement with NDNR. Motion carried.
2012-02-21-16	River Basins	Rep. Basin IMP	10			Moved by Helms, seconded by Lundeen to approve the Joint Republican Basin Integrated Management Plan, approve the proposed goals and objectives, approve the proposed geographic area and the proposed groundwater and surface water controls included in the plan and schedule a public hearing for April 10, 2012. Motion carried.
2012-02-21-17	Budget and District Plans & Programs	Tree Cost-Share Approval and observation well drilling	10			Moved by Reynolds, seconded by Olsen to accept the recommendations of the Projects and Construction Committee to drill an observation well in Grant and May township in FY 2012-2013 and to allow Thorburn to initially approve tree cost-share subject to final board approval. Motion carried.
2012-02-21-18	Meeting Administration		10			Moved by Reynolds, seconded by Bergstrom to approve out-of-state travel for Thorburn on January 19, 2012 to Oberlin, KS and March 1, 2012 to Hays,

						KS. Motion carried.
2012-02-21-19	Certification & Transfers		9		1	Moved by Olsen, seconded by Bergstrom to correct KAAPA's certified irrigated acres from 144 to 125.6. Motion carried.