

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, December 11, 2012, 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 1:30 p.m. Nickel noted Public Meeting Law is posted in the boardroom.

ROLL CALL

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

Nickel presented the minutes of the November 13, 2012 Board of Director's Meeting, November 29, 2012 I&E Committee meeting and October 29, 2012 ad hoc CNPPID Committee Meeting.

Moved by Garrelts, seconded by Lundeen, to approve the minutes for the November 13, 2012 Board of Directors Meeting. Motion carried.

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

NAY: None

ABSTAIN: Johnson and Winz

ABSENT: Bilka

Moved by Lundeen, seconded by Reynolds, to approve the minutes for the October 29, 2012 ad hoc CNPPID Committee meeting. Motion carried unanimously.

Moved by Johnson, seconded by Nelson, to approve the minutes for the November 29, 2012 I&E Committee meeting. Motion carried unanimously.

FINANCIAL REPORT

Garrelts presented the financial report for the month of November 2012 as follows:

Accrual Expenditures for Month -----	\$63,924.89
Cash Expenditures for Month-----	\$79,932.67
Accrual Revenues for Month-----	\$75,507.05
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Cash Revenues for Month-----	\$72,727.54
Bank Balance–November 30, 2012-----	\$219,545.92
Accounts Receivable – November 30, 2012-----	\$16,748.25
Investments – November 30, 2012-----	\$0
Investments – Pinnacle Bank – November 30, 2012-----	\$1,002,511.5
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Whiskey Slough IPA Balance – November 30, 2012-----	\$18,236.85
-	
Fort Kearny-West IPA Balance – November 30, 2012-----	\$6,855.55
South Dry Creek IPA Balance – November 30, 2012-----	\$8,820.68
-	
Fort Kearny IPA Balance – November 30, 2012-----	\$11,989.58
North Dry Creek IPA Balance – November 30, 2012-----	\$16,291.00

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Sacramento Creek IPA Balance – November 30, 2012----- \$23,432.04
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Moved by Raffety, seconded by Olsen, to accept the November 2012 financial reports and file for audit. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

SPECIAL BILLS

Thorburn presented the VISA and Attorney bills for approval. Thorburn explained radiant heaters were purchased to heat the front office. Moved by Johnson, seconded by Larson to approve the visa bills. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Reynolds, seconded by Lundeen to approve the attorney bill. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

NRCS REPORT

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

Activity and Progress Report: Breece reported staff has been processing CSP payments and drain clean-out requests.

COST SHARE REPORT

Well Abandonment – Thorburn presented fifteen well decommissioning cost-share applications for approval. Moved by Winz, seconded by Olsen to approve well decommissioning cost-share applications #62-#76. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

NSWCP & NRD Applications – Thorburn presented ten NSWCP cost-share applications and one amendment for Doug German. Moved by Garrelts, seconded by Lundeen to approve ten NSWCP Cost-share applications and one amendment. Motion carried.

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

NAY: None

ABSTAIN: Johnson

ABSENT: Bilka

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – Thorburn presented three irrigated acre transfer requests (Person Farms, Inc., Clyde Lueking and Charles H. Kidd Trust) and a special request for Sherrod Hanson. Sherrod Hanson is asking for a correction to certified irrigated acres. Thorburn mentioned that Dale Schutz withdrew his request. Don Bakke, Terry Woollen, Clyde Lueking, Sherrod Hanson, Doris Hanson and Don Olsen were present to answer questions.

Moved by Nelson, seconded by Bergstrom to approve irrigated acre transfer requests for Person Farms, Inc., Clyde Lueking and Charles Kidd Trust. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Nelson, seconded by Bergstrom to approve a special request for Sherrod and Doris Hanson to correct irrigated acres to 2003 FSA records (80.9 acres). Motion carried.

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

NAY: None

ABSTAIN: None

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

Consider Bid for Sand Creek Reservoir Final Design from EA Associates: Thorburn explained that Tri-Basin would need ownership or an easement on the Sand Creek property before NDNR would consider a water right. Paul Gonzales, EA Associates, was present to answer questions about the water right and the design work for the Sand Creek Reservoir. Gonzales explained that because Sand Creek is in the Little Blue Basin, which is not fully or over-appropriated, NDNR indicated they would probably approve a water right for the reservoir. There was discussion about what would happen to the water right if the basin was designated over/full appropriated. Gonzales noted that once you are approved for a permit to construct, you have two years to start construction. Nelson commented that TBNRD could purchase the property contingent upon approval of the water right. Nickel noted that the amended and tabled motion made in November is unworkable because land has to be purchased or leased before approval of the water right can be considered.

Moved by Garrelts seconded by Winz to untable the following motion from the November 13, 2012 board meeting: To accept the revised EA Consulting Bid for \$92,020 including Kearney County's share of \$12,620 but to first apply for an Impound Water and Storage Use Right (working with EA Consulting and Blankenau) and when approved, proceed with the design work. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

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Moved by Bergstrom seconded by Nelson to accept the revised EA Consulting Bid for \$92,020 including Kearney County's share of \$12,620 but to first apply for an Impound Water and Storage Use Right (working with EA Consulting and Blankenau) and when approved, proceed with the design work. Motion failed.

AYE: None

NAY: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Nickel, Olsen, Raffety, Reynolds and Winz

ABSTAIN: None

ABSENT: Bilka

Moved by Nelson seconded by Olsen to accept the revised EA Consulting Bid for \$92,020 including Kearney County's share of \$12,620 and proceed with design work. Motion carried.

AYE: Bergstrom, Harris, Johnson, Larson, Nelson, Nickel, Olsen and Reynolds

NAY: Garrelts, Lundeen and Raffety

ABSTAIN: Winz

ABSENT: Bilka

TBNRD FY 2011-2012 Audit: Randy Tonniges, Tonniges & Associates, presented TBNRD's FY 2011-2012 Audit Report. Tonniges reported no significant accounting problems. Moved by Garrelts seconded by Johnson to approve the auditor's report for the FY 2011-2012 TBNRD Audit and file with the state. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Fall 2012 GW Level Data: Nolan Little presented fall groundwater level data measuring acquired irrigation, observation and transect wells. Little commented that groundwater levels are generally two-four feet lower than the same time last year.

Estimate for NDC Phase II Well: Thorburn presented cost estimates from Holdrege Well Service (production and observation well) and Southern Power District (electrical install). Thorburn explained that Holdrege Well Service was awarded the bid for three wells at the time that the first well was constructed. Thorburn commented that Keller will keep the labor rates the same which will reduce the current bids by about \$500. Drilling should be scheduled soon or it will have to wait until crops are planted. Bids for electric power construction are good until January 3, 2013. Thorburn suggested that if the bid isn't acceptable, it could be opened to other bidders. Thorburn mentioned that a claim needs to be submitted to Platte Basin Coalition as soon as possible or funding might not be available. There was discussion about whether to accept the Holdrege Well Service bid or ask for additional bids. The board will go to executive session to discuss design approval. Moved by Raffety seconded by Olsen to approve the estimate from Southern Power District for electrical construction. Motion carried.

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

NAY: None

ABSTAIN: None
ABSENT: Bilka

Moved by Reynolds seconded by Raffety to direct staff to submit a request to the Platte Basin Coalition for North Dry Creek Streamflow Augmentation Project – Phase II. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

NARD REPORT

Select Delegate and Alternate for NARD Legislative Conference: Moved by Garrelts seconded by Olsen to select Dave Nelson as delegate and Dave Raffety as alternate delegate for the NARD Legislative Conference in January 2013. Motion carried.

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

NAY: None

ABSTAIN: Nelson and Raffety

ABSENT: Bilka

COMMITTEE REPORTS

I&E Committee: Thorburn reviewed the minutes from the Information and Education Committee meeting. Moved by Nelson, seconded by Johnson to accept the committee recommendation to direct staff to demonstrate to the Minden Public Schools staff how to maintain the pond area at the outdoor classroom for the next two to three years. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Schedule Planning, Joint CNPPID-TBNRD Committee Meetings: Planning Committee needs to review rules and regulations changes and meet with City of Holdrege to discuss wellhead protection management. The Joint CNPPID Committee needs to review outline position paper for the diversion of excess flows to the Platte. Meeting times will be set later.

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): Thorburn mentioned the Special Master will release a draft report and ask for comments in January. The Republican River Compact had conference call to hear request from Nebraska for streamflow augmentation projects, but no action was taken. There is an opening for a new Republican Basin representative on the Natural Resources Commission and new representative need to be designated for the NRRMDA. Moved by Reynolds, seconded by Nelson to designate Johnson as representative and Winz as alternate representative to NRRMDA. Motion carried.

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

NAY: None

ABSTAIN: Johnson and Winz

ABSENT: Bilka
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Platte Basin: PBHEP and Platte Basin Coalition will meet in North Platte on December 20, 2012. Reynolds asked that Jerry Kinney provide information concerning progress of the sediment augmentation project.

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: Beaver dams taken out and culvert work done.

Whiskey Slough: Culvert cleaning done.

Lake Seldom: Hay from Lake Seldom will be donated to ranchers in northern Nebraska.

CoHyst/Platte Basin Coalition: Nothing to report.

Weed Management Areas – Riparian Vegetation Task Force: January 16, 2013 Weed Summit Meeting in North Platte.

Sand Creek/Little Blue Basin: Discussed earlier.

CNPPID: Ford reported Lake McConaughay 60% and recharge water (Environmental Account Water) was released on the Phelps Canal on December 10, 2012 at a recharge rate of 55 cfs.

NEW BUSINESS

Consider Changing Date of January 2013 Board Meeting: Thorburn explained that two directors will be attending the GMDA Conference in Austin, TX on the scheduled board meeting day and suggested the date of the board meeting be changed and noted Recognition Banquet was changed to January 17, 2013 at Burchell's White Hill Farmhouse. Moved by Garrelts, seconded by Harris to change the date of the January 2013 board meeting to January 15, 2013 at 1:30 p.m.
Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Consider Additional Funding for Well Decommissioning Cost-Share: Thorburn explained that well decommissioning cost-share has been completely allocated for this fiscal year. The board might want to consider additional funding at the next board meeting.

COMMENTS AND CONCERNS

There were no comments and concerns.

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PERSONNEL & LEGAL MATTERS

Moved by Garrelts, seconded by Winz to move to executive session for the protection of the public to discuss contractual matters at 3:26 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Garrelts, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 4:22 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Moved by Reynolds, seconded by Olsen to allow Thorburn to enter into negotiations for land acquisition for Sand Creek Reservoir. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

Lundeen added that the purchase should be contingent upon approval of the water right, if possible, and Reynolds suggested that directors participate in the landowner negotiations. Nelson, Olsen and Nickel will participate in land negotiations.

Moved by Garrelts, seconded by Nelson to accept the bid from Holdrege Well Service for the second North Dry Creek Streamflow Augmentation Flow well site. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bilka

NEXT BOARD MEETING

TBNRD Regular Board Meeting will be held on Tuesday, January 15, 2013 at 1:30 p.m., at Tri-Basin NRD.

ADJOURNMENT

There being no further business, the meeting adjourned at 4:25 p.m.

DIRECTORS PRESENT

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

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OTHERS PRESENT

Carie Lynch, John Thorburn, Nicole Salisbury, Kevin Breece, Tammy Fahrenbruch, Lori Potter, Paul Gonzales, Sherrod Hanson, Doris Hanson, Terry Woollen, Don Bakke, Don Olsen, Clyde Lueking, Lori Hagan, Randy Tonniges, Joosick Kim, Dave Ford and Nolan Little.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
 TRI-BASIN NATURAL RESOURCES DISTRICT
 BOARD OF DIRECTORS MEETING
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Motion #	Category	Subject	Aye	Nay	Abs	Motion
2012-12-11-01	Meeting Administration		10		2	Moved by Garrelts, seconded by Lundeen, to approve the minutes for the November 13, 2012 Board of Directors Meeting. Motion carried.
2012-12-11-02	Meeting Administration					Moved by Lundeen, seconded by Reynolds, to approve the minutes for the October 29, 2012 ad hoc CNPPID Committee meeting. Motion carried unanimously.
2012-12-11-03	Meeting Administration					Moved by Johnson, seconded by Nelson, to approve the minutes for the November 29, 2012 I&E Committee meeting. Motion carried unanimously.
2012-12-11-04	Meeting Administration		12			Moved by Raffety, seconded by Olsen, to accept the November 2012 financial reports and file for audit. Motion carried.
2012-12-11-05	Budget		12			Moved by Johnson, seconded by Larson to approve the visa bills. Motion carried.
2012-12-11-06	Budget		12			Moved by Reynolds, seconded by Lundeen to approve the attorney bill. Motion carried.
2012-12-11-07	Meeting Administration		12			Moved by Winz, seconded by Olsen to approve well decommissioning cost-share applications #62-#76. Motion carried.
2012-12-11-08	Meeting Administration		11		1	Moved by Garrelts, seconded by Lundeen to approve ten NSWCP Cost-share applications and one amendment. Motion carried.
2012-12-11-09	Certifications & Transfers	Person, Lueking, Kidd	12			Moved by Nelson, seconded by Bergstrom to approve irrigated acre transfer requests for Person Farms, Inc., Clyde Lueking and Charles Kidd Trust. Motion carried.
2012-12-11-10	Certifications & Transfers	Sherrod Hanson	12			Moved by Nelson, seconded by Bergstrom to approve a special request for Sherrod and Doris Hanson to correct irrigated acres to 2003 FSA records (80.9 acres). Motion carried.
2012-12-11-11	Meeting Administration		12			Moved by Garrelts seconded by Winz to untable the following motion from the November 13, 2012 board meeting: To accept the revised EA Consulting Bid for \$92,020 including Kearney County's share of \$12,620 but to first apply for an Impound

						Water and Storage Use Right (working with EA Consulting and Blankenau) and when approved, proceed with the design work. Motion carried.
2012-12-11-12	Projects	Sand Creek Reservoir	0	12		Moved by Bergstrom seconded by Nelson to accept the revised EA Consulting Bid for \$92,020 including Kearney County's share of \$12,620 but to first apply for an Impound Water and Storage Use Right (working with EA Consulting and Blankenau) and when approved, proceed with the design work. Motion failed.
2012-12-11-13	Projects	Sand Creek Reservoir	8	3	1	Moved by Nelson seconded by Olsen to accept the revised EA Consulting Bid for \$92,020 including Kearney County's share of \$12,620 and proceed with design work. Motion carried.
2012-12-11-14	Budget	Audit	12			Moved by Garrelts seconded by Johnson to approve the auditor's report for the FY 2011-2012 TBNRD Audit and file with the state. Motion carried.
2012-12-11-15	Projects	NRD Aug SF				Moved by Raffety seconded by Olsen to approve the estimate from Southern Power District for electrical construction. Motion carried.
2012-12-11-16	River Basins	NRD Aug SF	12			Moved by Reynolds seconded by Raffety to direct staff to submit a request to the Platte Basin Coalition for North Dry Creek Streamflow Augmentation Project – Phase II. Motion carried.
2012-12-11-17	Directors	NARD Delegate	10		2	Moved by Garrelts seconded by Olsen to select Dave Nelson as delegate and Dave Raffety as alternate delegate for the NARD Legislative Conference in January 2013. Motion carried.
2012-12-11-18	Educational & Awards	Minden Outdoor Classroom	12			Moved by Nelson, seconded by Johnson to accept the committee recommendation to direct staff to demonstrate to the Minden Public Schools staff how to maintain the pond area at the outdoor classroom for the next two to three years. Motion carried.
2012-12-11-19	Directors	NRRMD Delegate	10		2	Moved by Reynolds, seconded by Nelson to designate Johnson as representative and Winz as alternate representative to NRRMDA. Motion carried.
2012-12-11-20	Meeting Administration		12			Moved by Garrelts, seconded by Harris to change the date of the January 2013 board meeting to January 15, 2013 at 1:30 p.m. Motion carried.
2012-12-11-21	Meeting Administration		12			Moved by Garrelts, seconded by Winz to move to executive session for the protection of the public to discuss contractual matters at 3:26 p.m. Motion carried.

2012-12-11-22	Meeting Administratio n		12			Moved by Garrelts, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 4:22 p.m. Motion carried.
2012-12-11-23	Projects	Sand Creek Reservoir	12			Moved by Reynolds, seconded by Olsen to allow Thorburn to enter into negotiations for land acquisition for Sand Creek Reservoir. Motion carried.
2012-12-11-24	Projects	NDC SF Aug.	12			Moved by Garrelts, seconded by Nelson to accept the bid from Holdrege Well Service for the second North Dry Creek Streamflow Augmentation Flow well site. Motion carried.