

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, October 9, 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.

ROLL CALL

Roll call was taken with eight directors present: Garrelts, Johnson, Lundeen, Nelson, Nickel, Olsen, Raffety and Reynolds. Winz arrived at 7:43 p.m. Bergstrom, Bilka, Harris and Larson 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

There were no absences to excuse.

MINUTES

Nickel presented the minutes of the September 11, 2012 Board of Director's Meeting and Public Hearings.

Moved by Reynolds, seconded by Olsen, to approve the minutes for the September 11, 2012 Board of Directors Meeting. Motion carried.

AYE: Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: Garrelts

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

Moved by Johnson, seconded by Lundeen, to approve the minutes for the September 11, 2012 Budget Hearing. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

Moved by Lundeen, seconded by Raffety, to approve the minutes for the September 11, 2012 Groundwater Management Hearing. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

FINANCIAL REPORT

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

Accrual Expenditures for Month -----	\$66,909.04
Cash Expenditures for Month-----	\$64,999.60
Accrual Revenues for Month-----	\$292,558.38
-	
Cash Revenues for Month-----	\$299,386.60
Bank Balance—September 30, 2012-----	\$256,898.07
-	
Accounts Receivable – September 30, 2012-----	\$10,073.35
Investments – September 30, 2012-----	\$200.51

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Investments – Pinnacle Bank – September 30, 2012-----	\$1,002,079.0
-	6
Whiskey Slough IPA Balance – September 30, 2012-----	\$17,879.50
Fort Kearny-West IPA Balance – September 30, 2012-----	\$6,693.25
South Dry Creek IPA Balance – September 30, 2012-----	\$8,673.69
Fort Kearny IPA Balance – September 30, 2012-----	\$11,988.55
North Dry Creek IPA Balance – September 30, 2012-----	\$16,289.59
Sacramento Creek IPA Balance – September 30, 2012-----	\$22,750.84
-	

Raffety commented that the savings account with approximately \$200 balance could be closed because it isn't used anymore. Moved by Raffety, seconded by Johnson, to accept the September 2012 financial reports and file for audit. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

SPECIAL BILLS

Thorburn presented the VISA, Attorney and NRRMD bills for approval. Moved by Reynolds, seconded by Lundeen to approve the visa, attorney and NRRMDA bills. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

NRCS REPORT

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

Activity and Progress Report: Breece reported 149 EQIP contracts totaling \$3 million were written.

COST SHARE REPORT

Well Abandonment – Thorburn presented thirteen well decommissioning cost-share applications for approval. Moved by Garrelts, seconded by Olsen to approve well decommissioning cost-share applications #27-#39. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

NSWCP & NRD Applications – Thorburn presented one NSWCP cost-share application Moved by Garrelts, seconded by Reynolds to approve one NSWCP Cost-share application. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: None

ABSENT: Winz, Bergstrom, Bilka, Harris and Larson

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – Thorburn presented five irrigated acre transfer requests (Ward Eckoff – 3, Chadd Jacobson and Beck Family Partnership) and two special requests

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from Chadd Jacobson and Dale Schutz. Jacobson is requesting a variance to drill a new well to serve irrigated acres moved to dryland and Schutz is requesting a supplemental well in Union Township.

Moved by Reynolds, seconded by Lundeen to approve irrigated acre transfer requests for Ward Eckoff (3), Chadd Jacobson and Beck Family Partnership and special requests from Chadd Jacobson for a variance to drill a new well to serve certified irrigated acres moved to dryland and Dale Schutz to drill a supplemental well in Union Township. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: None

ABSTAIN: Winz

ABSENT: Bergstrom, Bilka, Harris and Larson

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

Review Draft of NRD Rules Changes: Thorburn reviewed proposed changes made to the Groundwater Management Rules and Regulations based on testimony from the September 11, 2012 GW Management hearing. Thorburn explained that TBNRD is not responsible for offsets for federal use, and the compact commission will decide who's responsible for state use. Thorburn explained that Todd Rapstine suggested changing the rules to allow fall application of nitrogen to facilitate application of herbicide. Nitrogen, as a carrier, allows some herbicides to be applied in cold weather to control weeds that are resistant to conventional application. Raffety suggested the changes be sent to committee for review. Thorburn mentioned changes could be sent to committee, but the board could approve nitrogen as a carrier for fall application as a policy until the rules are officially changed. Moved by Raffety, seconded by Winz to send the proposed rules changes to the Planning Committee for review. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

Review Elk Creek Township Water Level Data: Thorburn explained that Elk Creek Township was declared Phase II and as part of the rule requirements, groundwater data should be examined in three years to see if levels are below 1981-85. If below 1981-85 levels, the township moves to Phase III. If not, the township can stay Phase II or be declared Phase I. Thorburn explained that a three-year rolling average of Spring 2012 levels were above 1981-1985 and suggested using spring levels to determine any phase changes. Thorburn recommended that if the levels are above 1981-85, the township remain in Phase II and not be changed to Phase I because that would allow acres to be transferred into the township.

Consider Policy to Enable Use of N Fertilizer as Herbicide Carrier in P3 GQMA: Thorburn said the board could take action on this item and set it as policy prior to adopting it as a rule change. Garrelts questioned application of 60 lbs of N with herbicide and not be able to apply 60 lbs of N only. Olsen commented that Rapstine suggested using 17-30 lbs of nitrogen.

Moved by Garrelts, seconded by Lundeen to adopt a policy allowing application of no more than 60 lbs of actual nitrogen, in any formulation after November 1st in Phase III areas. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Olsen and Winz

NAY: Nelson, Raffety and Reynolds

ABSTAIN: Nickel

ABSENT: Bergstrom, Bilka, Harris and Larson

NARD REPORT

NARD Fall Conference: Thorburn reviewed outcome of resolution submitted at the NARD Fall Conference. Two resolutions related to sediment and erosion control passed, the resolution proposing an increase in chemigation fees passed, but the resolution for funding Riparian Weed Management failed.

COMMITTEE REPORTS

Thorburn mentioned dates for Planning and Projects Construction Committee meetings need to be set. The Planning Committee needs review proposed rules changes. The Projects and Construction Committee should review tree planting, handplant and flag prices.

STAFF REPORTS & NECESSARY ACTION

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

Out-of-State Travel: Moved by Nelson, seconded by Olsen to approve out-of-state travel for Brooks to go to NAWMA in Branson, MO on Oct 28, to Nov 2, 2012. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

Moved by Reynolds, seconded by Raffety to approve out-of-state travel for staff/director to go to a Republican River Compact meeting in Junction City, KS on Oct 16, 2012. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

MONTHLY REPORTS

Republican Basin (NRRMD): KS vs NE final brief expected October 15, 2012. NRRMDA will meet in Imperial later in November.

Platte Basin: Thorburn mentioned letter from Brian Dunnigan, NDNR, stating TBNRD met requirements for Platte Basin Integrated Management Plan.

South Dry Creek: Nothing to report.

Sacramento Creek: Nothing to report.

Middle Lost Creek: Nothing to report.

Fort Kearny West: Nothing to report.

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Fort Kearny: : Nothing to report.

North Dry Creek: : Phragmites sprayed and shredding done.

Whiskey Slough: : Nothing to report.

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

CoHyst/Platte Basin Coalition: Committee meeting will be held to interview consultants for conservation practices study.

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

Sand Creek/Little Blue Basin: Thorburn will speak to Kearney County Board about cost of adding road to dam site.

CNPPID: Trompke reported CNPPID set allocation for next year at ten inches.

NEW BUSINESS

Consider Whether to Test for Salts in Groundwater in Kearney County: Thorburn explained landowner concerns about high salt content in groundwater in Keene area. High salt levels are causing corrosion in pipes and pivots. Thorburn suggested irrigation quality testing for minerals to determine which portion of the aquifer is responsible for high salt levels. This would allow well drillers to screen at a different depth to avoid salt. The cost would be \$200-\$300. Moved by Raffety, seconded by Lundeen to allow staff to do water quality testing for salt in the Keene area and to use funding from the First National Bank Savings account. Motion carried.

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

NAY: Garrelts, Johnson and Nelson

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

COMMENTS AND CONCERNS

Moved by Nelson, seconded by Garrelts to move the time of the November 13, 2012 Board of Directors Meeting from 7:30 p.m. to 1:30 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

PERSONNEL & LEGAL MATTERS

Moved by Winz, seconded by Olsen to move to executive session for the protection of the public to discuss contractual matters at 8:42 p.m. Motion carried.

AYE: Garrelts, Johnson, Lundeen, Nelson, Olsen, Raffety, Reynolds and Nickel

NAY: Winz

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

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Moved by Garrelts, seconded by Raffety to move out of executive session for the protection of the public to discuss contractual matters at 9:15 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Bergstrom, Bilka, Harris and Larson

NEXT BOARD MEETING

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

ADJOURNMENT

There being no further business, the meeting adjourned at 9:17 p.m.

DIRECTORS PRESENT

Todd Garrelts, Phyllis Johnson, Brad Lundeen, David Nelson, David Nickel, Dave Olsen, Dave Raffety, Ray Winz and Larry Reynolds.

OTHERS PRESENT

Carie Lynch, John Thorburn, Nicole Salisbury, Kevin Breece, Tammy Fahrenbruch, Jay Beck, Ward Eckloff, Chadd Jacobson, Charles Brooks, Dale Schutz, Marcia Trompke and Nolan Little.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
 TRI-BASIN NATURAL RESOURCES DISTRICT
 BOARD OF DIRECTORS MEETING
 October 9, 2012

Motion #	Category	Subject	Aye	Nay	Abs	Motion
2012-10-09-01	Meeting Administration		7		1	Moved by Reynolds, seconded by Olsen, to approve the minutes for the September 11, 2012 Board of Directors Meeting. Motion carried.
2012-10-09-02	Meeting Administration		8			Moved by Johnson, seconded by Lundeen, to approve the minutes for the September 11, 2012 Budget Hearing. Motion carried.
2012-10-09-03	Meeting Administration		8			Moved by Lundeen, seconded by Raffety, to approve the minutes for the September 11, 2012 Groundwater Management Hearing. Motion carried.
2012-10-09-04	Meeting Administration		8			Moved by Raffety, seconded by Johnson, to accept the September 2012 financial reports and file for audit. Motion carried.
2012-10-09-05	Budget		8			Moved by Reynolds, seconded by Lundeen to approve the visa, attorney and NRRMDA bills. Motion carried.
2012-10-09-06	Meeting Administration		8			Moved by Garrelts, seconded by Olsen to approve well decommissioning cost-share applications #27-#39. Motion carried.
2012-10-09-07	Meeting Administration		8			Moved by Garrelts, seconded by Reynolds to approve one NSWCP Cost-share application. Motion carried.
2012-10-09-08	Certifications & Transfers	Eckhoff, Jacobson and Schutz	9			Moved by Reynolds, seconded by Lundeen to approve irrigated acre transfer requests for Ward Eckhoff (3), Chadd Jacobson and Beck Family Partnership and special requests from Chadd Jacobson for a variance to drill a new well to serve certified irrigated acres moved to dryland and Dale Schutz to drill a supplemental well in Union Township. Motion carried.
2012-10-09-09	District Plans & Programs	Proposed Rules changes	9			Moved by Raffety, seconded by Winz to send the proposed rules changes to the Planning Committee for review. Motion carried.
2012-10-09-10	Policies – By-Laws	60 lbs. Nitrogen Application for herbicide	5	3	1	Moved by Garrelts, seconded by Lundeen to adopt a policy allowing application of no more than 60 lbs of actual nitrogen, in any formulation after November 1 st in Phase III areas. Motion carried.
2012-10-09-11	Meeting		9			Moved by Nelson, seconded by Olsen to

	Administratio n					approve out-of-state travel for Brooks to go to NAWMA in Branson, MO on Oct 28, to Nov 2, 2012. Motion carried.
2012-10-09-12	Meeting Administratio n		9			Moved by Reynolds, seconded by Raffety to approve out-of-state travel for staff/director to go to a Republican River Compact meeting in Junction City, KS on Oct 16, 2012. Motion carried.
2012-10-09-13	Projects	Water Testing for Salt	9			Moved by Raffety, seconded by Lundeen to allow staff to do water quality testing for salt in the Keene area and to use funding from the First National Bank Savings account. Motion carried.
2012-10-09-14	Meeting Administratio n		9			Moved by Nelson, seconded by Garrelts to move the time of the November 13, 2012 Board of Directors Meeting from 7:30 p.m. to 1:30 p.m. Motion carried.
2012-10-09-15	Meeting Administratio n		8	1		Moved by Winz, seconded by Olsen to move to executive session for the protection of the public to discuss contractual matters at 8:42 p.m. Motion carried.
2012-10-09-16	Meeting Administratio n		9			Moved by Garrelts, seconded by Raffety to move out of executive session for the protection of the public to discuss contractual matters at 9:15 p.m. Motion carried.