

**MINUTES OF THE TRI-BASIN NRD BOARD MEETING**  
**Tuesday, October 8, 2013, 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: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz. Bilka, Garrelts, Larson, Lundeen 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**

There were no absences to excuse.

**MINUTES**

Thorburn presented the minutes of the September 10, 2013 Budget Hearing and Board Meeting, September 20, 2013 Joint CNPPID/TBNRD Committee, September 20, 2013 Executive Committee Meetings and October 1, 2013 Special Board Meeting.

Moved by Johnson, seconded by Reynolds, to approve the minutes for the September 10, 2013 Regular Board of Directors Meeting. Motion carried.

AYE: Johnson, Nickel, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: Bergstrom, Harris and Olsen

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

Moved by Winz, seconded by Olsen, to approve the minutes for the September 10, 2013 Budget Hearing. Motion carried.

AYE: Johnson, Nickel, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: Bergstrom, Harris and Olsen

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

Moved by Reynolds, seconded by Raffety, to approve the minutes for the September 20, 2013 Joint CNPPID/TBNRD Committee Meeting. Motion carried unanimously.

Moved by Olsen, seconded by Nickel, to approve the minutes for the September 20, 2013 Executive Committee Meeting. Motion carried unanimously.

Moved by Olsen, seconded by Johnson, to approve the minutes for the October 1, 2013 Special Board Meeting. Motion carried.

AYE: Bergstrom, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: Harris

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**FINANCIAL REPORT**

Thorburn presented the financial report for the month of September 2013 as follows:

Accrual Expenditures for Month -----	\$92,814.87
Cash Expenditures for Month-----	\$95,792.67

Accrual Revenues for Month----- \$316,079.48  
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Cash Revenues for Month-----	\$313,771.61
Bank Balance—September 30, 2013-----	\$405,384.15
-	
Accounts Receivable – September 30, 2013-----	\$1,951.86
Investments – Pinnacle Bank – September 30, 2013-----	\$704,315.51
-	
Whiskey Slough IPA Balance – September 30, 2013-----	\$18,899.22
Fort Kearny-West IPA Balance – September 30, 2013-----	\$7,920.31
South Dry Creek IPA Balance – September 30, 2013-----	\$9,282.33
Fort Kearny IPA Balance – September 30, 2013-----	\$11,750.44
North Dry Creek IPA Balance – September 30, 2013-----	\$16,961.05
Sacramento Creek IPA Balance – September 30, 2013-----	\$23,439.02
-	
Water Jamboree – September 30, 2013-----	\$1,743.75
NRRMDA – September 30, 2013-----	\$7,772.73

Moved by Raffety, seconded by Bergstrom, to accept the September 2013 financial reports and file for audit. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**SPECIAL BILLS**

Thorburn presented the VISA, Brooks IPA Equipment Rental and attorney bills for approval. Moved by Raffety, seconded by Olsen to approve the visa, attorney and Brooks IPA Equipment Rental bills. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**NRCS REPORT**

**FSA Farm Plans:** Thorburn presented three farm plans for approval: Sundog Partnership, Donald Lofquist and Seco, Inc.

Moved by Reynolds, seconded by Olsen to approve three farm plans for Sundog Partnership, Donald Lofquist and Seco, Inc. Motion carried.

AYE: Bergstrom, Nickel, Olsen, Raffety and Reynolds

NAY: Harris, Johnson and Winz

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**Activity and Progress Report:** There was no activity and progress report due to shutdown of federal offices since October 1, 2013.

**COST SHARE REPORT**

**Well Abandonment** – Thorburn presented seven Well Decommissioning Cost-Share applications. Thorburn mentioned that UBBNRD discontinued their well decommissioning program and that

their portion of funding from NDNR will be divided between other participating NRDs. Moved by Winz, seconded by Olsen to approve seven Well Decommissioning Cost-share applications. Motion carried.

#### TRI-BASIN NRD BOARD MINUTES

October 8, 2013

Page Three

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**NSWCP & NRD Applications** – Thorburn presented two NSWCP cost-share applications. Moved by Bergstrom, seconded by Johnson to approve two NSWCP Cost-share applications. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**Educational Land Leases** – There were no educational land leases to approve.

#### GROUNDWATER MANAGEMENT

**Groundwater & Certified Acre Transfers** – Thorburn presented five irrigated acre transfer requests for Fred Nisley, and Elwood Grain (4) and two special requests for correction to certified irrigated acres due to assessor correction from Kenny Waller and RDO, Inc. There was discussion about how Nisley would stop irrigation on a small section where the acres were transferred. Fred Nisley, Monty Verbeck, Geraldine Steinbrink, Sharlotte Schwenninger and Ritch Blythe were present to answer questions.

Moved by Reynolds, seconded by Harris to approve certified irrigated acre transfer requests for Fred Nisley and Elwood Grain (4) with Elwood Grain's transfer subject to field measurement of corner. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

Moved by Reynolds, seconded by Olsen to approve a correction to certified irrigated acres for Kenny Waller and RDO, Inc... Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

#### 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 Agreement with Miller-Associates for Odessa IPA:** Thorburn presented the agreement with Miller and Associates for engineering services on Odessa IPA. Thorburn mentioned some Odessa IPA landowners told him that they would like NRD assistance with the cost. A previous board motion stated that Odessa IPA landowners would be responsible for engineering costs. There was discussion about cost-sharing with landowners. Moved by Johnson, seconded by Bergstrom to approve the agreement with Miller and Associates for engineering services on Odessa IPA. Motion carried.

## TRI-BASIN NRD BOARD MINUTES

October 8, 2013

Page Four

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**Consider FY 2013-2014 Budget Adjustments:** Thorburn commented that TBNRD hasn't received a bill from CNPPID for diversions to E-65 and Phelps Canal, because water is still being diverted. When an invoice is received from CNPPID, directors will determine which budget line items to use.

### NARD REPORT

**NARD Fall Conference:** Raffety and Reynolds reported on the NARD Fall Conference. Raffety commented that he would like Jasper Fanning give a presentation on the Rock Creek Project. Reynolds commented that one of the resolutions that passed will allow NRDs and NRCS to work together to revise erosion definitions in state law.

### COMMITTEE REPORTS

**Schedule Planning Committee Meeting:** The Planning Committee will meet Thursday, October 31, 2013 at 8:30 a.m. which is prior to a meeting with other Republican Basin NRDs to discuss the 2014 Water Forecast.

### STAFF REPORTS & NECESSARY ACTION

**Board Directives to Staff:** There was no staff report.

**Out-of-State Travel:** Moved by Raffety, seconded by Olsen to approve out of state travel for Dave Nelson to Four States Meeting in Ft. Collins, CO, January 2014 and Charles Brooks to go to Jackson WY on October 27, 2013 to November 1, 2013, with expenses paid by the NAWMA. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

### MONTHLY REPORTS

**Republican Basin (NRRMD):** The Republican Basin NRDs will meet October 31, 2013 at 10:30 a.m. at TBNRD to discuss the 2014 Water Forecast. The Planning Committee will attend. Thorburn and Winz attended the Republican Basin Compact meeting in Colby, KS.

**Platte Basin:** Thorburn gave a presentation to the Minden Rotary Club on Platte River flooding.

**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 dam removal is scheduled.

TRI-BASIN NRD BOARD MINUTES

October 8, 2013

Page Five

**Whiskey Slough:** Nothing to report.

**Odessa IPA:** Nothing to report.

**Lake Seldom:** Nothing to report.

**CoHyst/Platte Basin Coalition:** Workshop will be held in November 2013.

**Sand Creek/Little Blue Basin:** Paul Gonzales will tour Sand Creek on Wednesday, October 9, 2013.

**CNPPID:** Ford reported Lake McConaughay is at elevation 3226.5 and 46% capacity. Elwood Reservoir is nine feet higher than when floodwater diversions began and will rise an additional 2-3 feet before the diversion is complete.

**NEW BUSINESS**

**Set Personnel Policy Related to Federal Government Shutdowns:** Thorburn presented a policy for NRD Field Office Secretaries during federal shutdowns. TBNDRDs secretaries have been working at TBNRD helping with different projects.

***Tri-Basin NRD***

***Proposed Personnel Policy Plan to Address a Federal Government Shutdown  
10/4/13***

*Following is a plan for the management of work location and activities during a shutdown of NRCS operations in the event of a funding lapse to conduct agency operations. This plan was prepared through discussions with TBNRD Management and the District Conservationist.*

- *NRCS shutdown of operations - duration of more than 2 days – TBNRD Field Office Secretaries will report for duty at the TBNRD Headquarters in Holdrege (see conditions below) or utilize approved annual or sick leave or request leave without pay (NOTE: Prior to approval, requests for leave without pay will be evaluated for potential impacts to other benefits provided by the TBNRD).*

1. *TBNRD Field Office Secretaries will be reimbursed for mileage associated with travel from their official duty station to the TBNRD Headquarters in Holdrege.*

2. *Official work hours will include the travel time to and from the official duty station and the TBNRD Headquarters in Holdrege.*

3. *Official work schedule will remain as it is currently established.*

- *NRCS shutdown of operations duration of more than 2 weeks – Additional options will be explored and considered to make every reasonable attempt to ensure the TBNRD Field Office Secretaries are gainfully employed and productive in addressing TBNRD work activities and priorities.*

Moved by Raffety, seconded by Olsen to approve the Personnel Policy Plan to Address Federal Government Shutdown. Motion carried.



TRI-BASIN NRD BOARD MINUTES

October 8, 2013

Page Six

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**Set Policy Related to Use of Future Allocations in GWQ Phase 3 Areas:** Thorburn presented a program about Groundwater Quantity Management with a handout of Sections 8-10 of the Groundwater Management Rules and Regulations. Thorburn explained that allocation started in 2009 with a three-year allocation of twenty-seven inches per acre. Several Union Township landowners were present. Thorburn reported twenty-two parcels have less than nine inches remaining for the last allocation year and several landowners would like to borrow from their next allocation so they can plan for next year's crops. Thorburn explained that the rules address carry-over to the next allocation period, but don't address borrowing from future allocations or penalty for over-using. Thorburn suggested increasing to a five-year allocation to allow more flexibility.

Joel Schutz asked the board to reconsider the allocation; explaining that the 9 inch allocation doesn't work and is devastating to operations. Schutz referred to board minutes relating to water levels in Union township and asked why they didn't come out of allocation in 2011.

Irvin Walbridge commented that changing how the allocation is applied, by measuring the amount of water applied by the pivot, instead of by the well and parcel would be helpful. Walbridge said it's difficult to figure allocation because of water being brought in from different parcels. Walbridge suggested allowing landowners to change parcels to dry land for tax assessment purposes without losing the ability to irrigate in future years and allowing landowners to drill supplemental wells. Walbridge commented on minutes from the October, 18, 2011 and October 9, 2012 board meetings and information about water level data in Union Township. Walbridge questioned a motion which stated: "to maintain the current three-year allocation for Union Township pending review of fall groundwater levels" and asked if the township was actually in allocation.

Thorburn commented that there was a problem with well measurements presented in September of 2011 and, in actuality, corrected water level readings indicated that the township couldn't come out of allocation. The referenced motion puts Union Township in allocation because the fall groundwater levels were reviewed and found to support the need to continue allocation. Thorburn pointed out that in the same board minutes a motion was made allowing landowners who exceeded their current three-year allocation to use a portion of the next three-year allocation. The difference between then and the current situation being that landowners are not in the final year of an allocation and the next three-year allocation has not been set.

Merrill Stagemeyer commented that the board should know that landowners are planting different crops, like wheat, and rotating crops to manage the allocation and have the same costs associated with irrigation equipment as other landowners not in allocation. Stagemeyer questioned the method for selecting a nine inch allocation.

Thorburn responded that the average crop water usage rate is twelve inches and to address the water shortage, a lower number had to be selected. There was discussion about the difference between eastern Kearney County and Gosper County Phase III area. Nickel explained that TBNRD has major projects in each basin dealing with groundwater recharge.

Reynolds suggested the Planning Committee discuss the issue on Oct. 31, 2013 with fall water level data. Reynolds asked for input from the landowners on a solution.

#### TRI-BASIN NRD BOARD MINUTES

October 8, 2013

Page Seven

Ron Gardner suggested providing extra tools for landowners such as cost-share for soil sensors. Schutz suggested buying out acres. Schutz stated that three or five year allocation periods don't really matter, what matters is the nine inch limit. Gardner suggested changing taxation method if you can only irrigate two out of three years.

Moved by Johnson, seconded by Reynolds to refer the issues of three-year allocation carry-over and over-use penalty in Phase III Groundwater Management Area to the Planning Committee. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

**Set Prices for Trees, Mulch and Services:** Thorburn explained that the tree program lost money this year partly because of a customer charge issue concerning site prep. Thorburn suggested raising tree planting and mulch charge to 1.25/ft. and trees to .70/bundle of 25.

Moved by Raffety, seconded by Winz to raise the Tree, Tree Planting, Mulch and Mulch Laying cost from \$1.15/ft. to \$1.50/ft. and cost for Hand plant Trees from .65/per tree to .75/per tree. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

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

Moved by Reynolds, seconded by Olsen to move to executive session for the protection of the public to discuss contractual matters at 9:32 p.m. Motion carried.

AYE: Bergstrom, Harris, Johnson, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: Nickel

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

Moved by Raffety, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 9:53 p.m. Motion carried.

AYE: Bergstrom, Harris, Johnson, Nickel, Olsen, Raffety, Reynolds and Winz

NAY: None

ABSTAIN: None

ABSENT: Bilka, Garrelts, Larson, Lundeen and Nelson

#### **COMMENTS AND CONCERNS**

There were no comments or concerns.

#### **NEXT BOARD MEETING**

TBNRD Regular Board Meeting will be held at 7:30 p.m., on Tuesday, November 12, 2013 at Tri-Basin NRD, Holdrege, NE

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:50 p.m.

TRI-BASIN NRD BOARD MINUTES

October 8, 2013

Page Eight

**DIRECTORS PRESENT**

Brian Bergstrom, Ed Harris, Phyllis Johnson, David Nickel, David Olsen, Dave Raffety, Larry Reynolds and Ray Winz.

**OTHERS PRESENT**

Carie Lynch, John Thorburn, Nicole Salisbury, Dave Ford, Tammy Fahrenbruch, Nolan Little, Geraldine Steinbrink, Sharlotte Schwenninger, Kenny Waller, Monty Verbeck, Fred Nisley, Ritch Blythe, Mike Dawson, Irvin Walbridge, Merrill Stagemeyer, Brad Schutz, Joel Schutz, Kurt Holen and Ron Gardner.

Respectfully Submitted:

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Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS  
 TRI-BASIN NATURAL RESOURCES DISTRICT  
 BOARD OF DIRECTORS MEETING  
 October 8, 2013

Motion #	Category	Subject	Aye	Nay	Abs	Motion
2013-10-08-01	Meeting Administration		5		3	Moved by Johnson, seconded by Reynolds, to approve the minutes for the September 10, 2013 Regular Board of Directors Meeting. Motion carried.
2013-10-08-02	Meeting Administration		5		3	Moved by Winz, seconded by Olsen, to approve the minutes for the September 10, 2013 Budget Hearing. Motion carried.
2013-10-08-03	Meeting Administration					Moved by Reynolds, seconded by Raffety, to approve the minutes for the September 20, 2013 Joint CNPPID/TBNRD Committee Meeting. Motion carried unanimously.
2013-10-08-04	Meeting Administration					Moved by Olsen, seconded by Nickel, to approve the minutes for the September 20, 2013 Executive Committee Meeting. Motion carried unanimously.
2013-10-08-05	Meeting Administration		7		1	Moved by Olsen, seconded by Johnson, to approve the minutes for the October 1, 2013 Special Board Meeting. Motion carried.
2013-10-08-06	Budget		8			Moved by Raffety, seconded by Bergstrom, to accept the September 2013 financial reports and file for audit. Motion carried.
2013-10-08-07	Budget		8			Moved by Raffety, seconded by Olsen to approve the visa, attorney and Brooks IPA Equipment Rental bills.
2013-10-08-08	Meeting Administration		5	3		Moved by Reynolds, seconded by Olsen to approve three farm plans for Sundog Partnership, Donald Lofquist and Seco, Inc. Motion carried.
2013-10-08-09	Meeting Administration		8			Moved by Winz, seconded by Olsen to approve seven Well Decommissioning Cost-share applications. Motion carried.
2013-10-08-10	Meeting Administration		8			Moved by Bergstrom, seconded by Johnson to approve two NSWCP Cost-share applications. Motion carried.
2013-10-08-11	Certification & Transfers	Nisley & Elwood Grain	8			Moved by Reynolds, seconded by Harris to approve certified irrigated acre transfer requests for Fred Nisley and Elwood Grain (4) with Elwood Grain's

						transfer subject to field measurement of corner. Motion carried.
2013-10-08-12	Certification & Transfers	Waller & RDO	8			Moved by Reynolds, seconded by Olsen to approve a correction to certified irrigated acres for Kenny Waller and RDO, Inc... Motion carried.
2013-10-08-13	Projects	Odessa IPA	8			Moved by Johnson, seconded by Bergstrom to approve the agreement with Miller and Associates for engineering services on Odessa IPA. Motion carried.
2013-10-08-14	Meeting Administration		8			Moved by Raffety, seconded by Olsen to approve out of state travel for Dave Nelson to Four States Meeting in Ft. Collins, CO, January 2014 and Charles Brooks to go to Jackson WY on October 27, 2013 to November 1, 2013, with expenses paid by the NAWMA. Motion carried.
2013-10-08-15	Personnel	Govnmt. Shutdown	8			Moved by Raffety, seconded by Olsen to approve the Personnel Policy Plan to Address Federal Government Shutdown. Motion carried.
2013-10-08-16	District Plans & Programs	GWM Phase III	8			Moved by Johnson, seconded by Reynolds to refer the issues of three-year allocation carry-over and over-use penalty in Phase III Groundwater Management Area to the Planning Committee. Motion carried.
2013-10-08-17	District Plans & Programs	Tree and Planting Cost	8			Moved by Raffety, seconded by Winz to raise the Tree, Tree Planting, Mulch and Mulch Laying cost from \$1.15/ft. to \$1.50/ft. and cost for Hand plant Trees from .65/per tree to .75/per tree. Motion carried.
2013-10-08-18	Meeting Administration		7		1	Moved by Reynolds, seconded by Olsen to move to executive session for the protection of the public to discuss contractual matters at 9:32 p.m. Motion carried.
2013-10-08-19	Meeting Administration		8			Moved by Raffety, seconded by Olsen to move out of executive session for the protection of the public to discuss contractual matters at 9:53 p.m. Motion carried.