

MINUTES OF THE TRI-BASIN NRD BOARD MEETING
Tuesday, September 13, 2011, 7:30 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 7:31 p.m. Nickel noted Public Meeting Law is posted in the boardroom. The FY 2011-2012 Budget Hearing to set the tax levy different from the previous year was opened prior to the board meeting.

ROLL CALL

Roll call was taken with twelve directors present: Bergstrom, Garrelts, Harris, Johnson, Larson, Lundeen, Nelson, Nickel, Olsen, Raffety, Reynolds and Winz. Helms 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 were no absences to excuse.

MINUTES

Nickel presented the minutes of the August 9, 2011 Board of Director's Meeting and Budget Hearing, September 1, 2011 Special Board Meeting and July 25, 2011 Planning Committee Meeting.

Moved by Raffety, seconded by Winz, to approve the minutes of the August 9, 2011 Board of Directors Regular Meeting and Budget Hearing. Motion carried.

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

NAY: None

ABSTAIN: Reynolds

ABSENT: Helms

Moved by Olsen, seconded by Raffety, to approve the minutes of the September 1, 2011 Special Board of Directors Meeting. Motion carried.

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

NAY: None

ABSTAIN: Bergstrom and Raffety

ABSENT: Helms

Moved by Nelson, seconded by Lundeen, to approve the minutes of the July 25, 2011 Planning Committee Meeting. Motion carried. One opposed.

FINANCIAL REPORT

Garrelts presented the financial report for the month of August 2011 as follows:

Accrual Expenditures for Month	\$106,241.99
Cash Expenditures for Month.....	\$101,221.19
Accrual Revenues for Month.....	\$73,983.95
-	
Cash Revenues for Month.....	\$64,724.19
Bank Balance—August 31, 2011.....	\$167,578.25
-	
Accounts Receivable – August 31, 2011.....	\$31,462.99
Investments – August 31, 2011.....	\$203.55
Investments – Pinnacle Bank – August 31, 2011.....	\$845,183.99

Whiskey Slough IPA Balance – August 31, 2011-----	\$16,207.06
Fort Kearny-West IPA Balance – August 31, 2011-----	\$5,436.74
South Dry Creek IPA Balance – August 31, 2011-----	\$8,312.95

TRI-BASIN NRD BOARD MINUTES
September 13, 2011
Page Two

Fort Kearny IPA Balance – August 31, 2011-----	\$12,489.31
North Dry Creek IPA Balance – August 31, 2011-----	\$16,211.98
Sacramento Creek IPA Balance – August 31, 2011 -----	\$30,892.64

Moved by Harris, seconded by Johnson, to accept the August 2011 financial reports and file for audit. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

SPECIAL BILLS

Thorburn presented the VISA, NRRMD, and attorney bills for approval. Thorburn mentioned that TBNRD has approximately \$4448 left in the budget for the Republican Basin Conjunctive Use Study.

Moved by Garrelts, seconded by Raffety to approve the attorney bills. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

Moved by Garrelts, seconded by Lundeen to approve the NRRMD for the Conjunctive Use Study invoice. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

Moved by Olsen, seconded by Larson to approve the visa bills. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

NRCS REPORT

FSA Farm Plans: Kevin Breece presented three Farm Plans for approval: Steve Hilker (2) and E&L Anderson Joint Venture. Moved by Bergstrom, seconded by Olsen to approve three farm plans for Steve Hilker (2) and E&L Anderson Joint Venture. Motion carried.

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

NAY: Harris, Johnson and Winz

ABSTAIN: None

ABSENT: Helms

Activity and Progress Report: Breece reported conservation goals have been met, staff has been working on audit cleanup and quality assurance. Breece presented pivot layers for Phelps, Kearney

and Gosper counties which will be used to estimate no till acres. Nelson suggested to Breece that water usage be compared on cover crop no-till vs. cover crop conventional.

COST SHARE REPORT

Well Abandonment – Holloway presented eight well decommissioning cost-share applications to approve. Moved by Winz, seconded by Raffety to approve well decommissioning cost-share applications #22-#29. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

NSWCP & NRD Applications – Thorburn recommended nine NSWCP cost-share for approval. Nelson commented that the application for LeMoine Olsen Trust also be approved. Moved by Johnson, seconded by Winz to approve ten NSWCP Cost-Share applications (Rosemary Hoban (2 at \$300, Dale Patrick Maher - \$300, Arthur Raun - \$300, James Ostgren - \$3,500, Jennifer Palmblade Trust - \$2,910, Todd Garrelts - \$3,121, Mary Nelson - \$3500 and Derek Billiter - \$3500, LeMoine Olsen Marital Trust - \$3500). Motion carried.

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

NAY: None

ABSTAIN: Garrelts

ABSENT: Helms

GROUNDWATER MANAGEMENT

Groundwater & Certified Acre Transfers – There were no groundwater or certified irrigated acre transfers this month.

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

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.

OLD BUSINESS

Review Current NRD Groundwater Level Data: Thorburn presented current groundwater data. Thorburn commented that groundwater levels have met or exceeded 1981-1985 levels except for eastern part of Elk Creek Township, western Union Township, area around E-65 canal, and eastern part of Kearney County townships. Thorburn reported Union Township groundwater levels have increased enough that the township can come out of allocation. Thorburn suggested holding an informational meeting in Gosper County to get input from landowners. Lundeen directed Thorburn send TBNRD groundwater level data to NDNR to allow comparison of real data with computer model data (current and predicted) and to address the “lag” effect. Thorburn questioned the lag effect if groundwater levels are rising.

Approve FY 2011-12 Tax Levy: Nickel closed the budget hearing. Moved by Olsen, seconded by Lundeen to approve setting the FY 2011-2012 Budget levy at a different rate than the previous year.
Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

Approve Additional One Percent Increase in Restricted Funds Authority for FY 2011-12: Thorburn explained that a motion to approve an additional 1% increase will only increase the unused budget authority and not the levy. Thorburn explained motion has to be approved by three fourths of all directors. Moved by Winz, seconded by Johnson to approve an additional 1% increase in unused budget authority for FY 2011-2012 Budget. Motion carried.

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

NAY: Raffety

ABSTAIN: None

ABSENT: Helms

NARD REPORT

Review Resolutions for NARD Fall Conference: Thorburn reviewed two resolutions for the NARD Fall Conference: 2011-1 – Eliminate the Well Decommissioning Fund and transfer funds to the Water Quality Fund and 2011-2 – Authorize Fees for Variance Requests. Thorburn mentioned that Well Decommissioning Cost-Share would continue unless TBNRD discontinues the program. Moved by Johnson, seconded by Lundeen to allow delegates to determine voting preference on NARD Resolutions. Motion carried.

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

NAY: Garrelts and Winz

ABSTAIN: Raffety and Nelson

ABSENT: Helms

COMMITTEE REPORTS

Executive Committee: Thorburn mentioned an Executive Committee Meeting will be needed prior to the October 2011 Board Meeting to set TBNRD sub-district boundaries. Thorburn mentioned changes in census figures might affect sub-district boundaries and that Phelps County sub-district boundaries should be adjusted to match precinct boundaries. A map of sub-district boundaries needs to be submitted to the Secretary of State by November 8, 2011. The date of the committee meeting will be set at a later date.

STAFF REPORTS & NECESSARY ACTION

Board Directives to Staff: Thorburn commented that a revised version of Committee Assignments and Directives was sent in the director packet this month.

Out-of-State Travel: Thorburn reported that Brooks is a delegate to NAWMA and needs out-of-state travel approve to go to Winnipeg Canada on September 19-23, 2011. All travel expenses are reimbursed by Phelps County. Moved by Garrelts, seconded by Bergstrom to authorize out-of-state travel for Brooks to go to the NAWMA Conference in Winnipeg, Canada on September 19-23, 2011.
Motion carried.

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

NAY: None

ABSTAIN: Nickel

ABSENT: Helms

MONTHLY REPORTS

Republican Basin (NRRMD): NRRMD will meet in McCook on September 21, 2011. The NARD Republican Basin Caucus will be held at 7:45 a.m. on September 27, 2011.

Platte Basin: PRRIP responded to TBNRD's letter about requesting a hearing on the Sediment Augmentation Project. Thorburn commented that he would need legal counsel to attend the hearing and advise him. Reynolds expressed that public exposure is needed. Moved by Reynolds, seconded by Garrelts to authorize Thorburn to work with legal counsel to respond to the PRRIP letter concerning the hearing on the Sediment Augmentation Project. Motion carried.

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

NAY: None

ABSTAIN: Nickel and Bergstrom

ABSENT: Helms

Thorburn presented a chart showing Platte Basin Target Flows, detailing wet, dry and average target flows. The chart indicates when NDC Streamflow Augmentation may be needed. Nickel commented that if target flows are met, there is no depletion offset requirement for TBNRD.

South Dry Creek: Road rehabilitation will be done.

Sacramento Creek: Culvert will be installed.

Middle Lost Creek: Nothing to report.

Fort Kearny West: Nothing to report.

Fort Kearny: Nothing to report.

North Dry Creek: Phragmites will be sprayed.

Whiskey Slough: culvert will be replaced.

Lake Seldom: Aerial spraying will be done.

CoHyst/PBHEP: CoHyst model will be calibrated late in November 2011 when Gosper County irrigated acres are added. Gosper County irrigated acres will not be as accurate because they were not mapped. Thorburn commented the calibrated model should be available in early 2012. PBHEP claim was submitted for the NDC Streamflow Augmentation Project.

Weed Management Areas – Riparian Vegetation Task Force Platte: Platte River was sprayed.

Sand Creek/Little Blue Basin: Thorburn will work on request for proposals on design work for Sand Creek Reservoir.

TRI-BASIN NRD BOARD MINUTES

September 13, 2011

Page Six

CNPPID: Ford reported irrigation season is winding down and Lake McConaughay is at elevation 3258.3 feet.

NEW BUSINESS

Amend IWMS Agreement with NRCS: Moved by Nelson, seconded by Olsen to approve the IWMS Agreement Amendment. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

PERSONNEL & LEGAL MATTERS

Moved by Reynolds, seconded by Raffety to move to executive session to discuss legal matters for the protection of the public at 9:17 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

Moved by Garrelts, seconded by Olsen to move out of executive session to discuss legal matters for the protection of the public at 9:27 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

Moved by Reynolds, seconded by Garrelts to change the date of the next Board of Directors Meeting from October 11, 2011 to October 18, 2011 at 7:30 p.m. Motion carried.

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

NAY: None

ABSTAIN: None

ABSENT: Helms

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, October 18, 2011 at the Tri-Basin NRD.

ADJOURNMENT

There being no further business, the meeting adjourned at 3:26 p.m.

DIRECTORS PRESENT

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

TRI-BASIN NRD BOARD MINUTES

September 13, 2011

Page Seven

OTHERS PRESENT

John Thorburn, Carie Lynch, Nicole Salisbury, Kevin Breece, Dave Ford and Richard Holloway.

Respectfully Submitted:

Carie Lynch, Asst. Secretary

INDEX OF BOARD DECISIONS
TRI-BASIN NATURAL RESOURCES DISTRICT
BOARD OF DIRECTORS MEETING
September 13, 2011

- #1 Moved by Raffety, seconded by Winz, to approve the minutes of the August 9, 2011 Board of Directors Regular Meeting and Budget Hearing. Motion carried.
- #2 Moved by Olsen, seconded by Raffety, to approve the minutes of the September 1, 2011 Special Board of Directors Meeting. Motion carried.
- #3 Moved by Nelson, seconded by Lundeen, to approve the minutes of the July 25, 2011 Planning Committee Meeting. Motion carried. One opposed.
- #4 Moved by Harris, seconded by Johnson, to accept the August 2011 financial reports and file for audit. Motion carried.
- #5 Moved by Garrelts, seconded by Raffety to approve the attorney bills. Motion carried.
- #6 Moved by Garrelts, seconded by Lundeen to approve the NRRMD for the Conjunctive Use Study invoice. Motion carried.
- #7 Moved by Olsen, seconded by Larson to approve the visa bills. Motion carried.
- #8 Moved by Bergstrom, seconded by Olsen to approve three farm plans for Steve Hilker (2) and E&L Anderson Joint Venture. Motion carried.
- #9 Moved by Winz, seconded by Raffety to approve well decommissioning cost-share applications #22-#29. Motion carried.
- #10 Moved by Johnson, seconded by Winz to approve ten NSWCP Cost-Share applications (Rosemary Hoban (2 at \$300, Dale Patrick Maher - \$300, Arthur Raun - \$300, James Ostgren - \$3,500, Jennifer Palmblade Trust - \$2,910, Todd Garrelts - \$3,121, Mary Nelson - \$3500 and Derek Billiter - \$3500, LeMoine Olsen Marital Trust - \$3500). Motion carried.
- #11 Moved by Olsen, seconded by Lundeen to approve setting the FY 2011-2012 Budget levy at a different rate than the previous year. Motion carried.
- #12 Moved by Winz, seconded by Johnson to approve an additional 1% increase in unused budget authority for FY 2011-2012 Budget. Motion carried.
- #13 Moved by Johnson, seconded by Lundeen to allow delegates to determine voting preference on NARD Resolutions. Motion carried.
- #14 Moved by Garrelts, seconded by Bergstrom to authorize out-of-state travel for Brooks to go to the NAWMA Conference in Winnipeg, Canada on September 19-23, 2011. Motion carried.
- #15 Moved by Reynolds, seconded by Garrelts to authorize Thorburn to work with legal counsel to respond to the PRRIP letter concerning the hearing on the Sediment Augmentation Project. Motion carried.
- #16 Moved by Nelson, seconded by Olsen to approve the IWMS Agreement Amendment. Motion carried.
- #17 Moved by Reynolds, seconded by Raffety to move to executive session to discuss legal matters for the protection of the public at 9:17 p.m. Motion carried.
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