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Middle Republican Natural Resources District

MEETING NOTICE

The Middle Republican Natural Resources District Board of Directors will hold a special meeting at the Phelps County Ag. Center, 1308 2nd St, Holdrege, Nebraska on Monday, March 1, 2004 at 10:00 a.m. for the purpose of discussing matters relating to lawsuit settlement compliance. No action will be taken at this meeting.

Publish as soon as possible, prior to February 28 if at all possible.

MANRD

Attendance Roster

March 1, 2004

Holdrege, Ne

Joe Anderson
Mike Seten

Hayes Center
McCook

Stan Moore

Bartley

Ernie Hoyt

Culbertson

Kevin Farnoff

Hayes Center

Dan Smith

Maywood

Wayne Madsen

Trenton

Dayle Hoag

Bartley

KELLY WERTZ

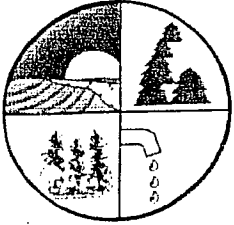
Trenton

Deane Pearson

Maywood

Robert Merzgin

Curtis



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Middle Republican Natural Resources District

Memo

DATE: February 26, 2004
TO: Board of Directors
FROM: Dan Smith
RE: Special Board Meeting

As all of you should know, we have set up a special board meeting for Monday March 1st, 2004 at the TriBasin NRD office in Holdrege. The meeting will start at 10 AM and expect it to last a long time. Lunch will be catered. An agenda will be enclosed but expect it to change or be expanded. I do not think any other district will have enough board members present to make a quorum. Because the other districts use weekly newspapers, they were not able to provide notice of the meeting. We will have to take the usual steps getting started but no action is planned for this meeting.

I am also enclosing some information that is new or updated from the last time you saw it. Additional info will be provided in Holdrege.

NEW

1. Potential Allocation Scheme – Patterson
2. Proposed amendment to LB 962 – Patterson (not adopted)

UPDATED

3. Joint action plan considerations
4. Irrigated acreage report 2003 crop year
5. Registered well report by Counties in Republican Basin
6. Registered well report by NRD in Republican Basin
(please note TBNRD is entire NRD not just Rep. Basin)
7. Pumping and Depletion Summary - dated 2/7/2004
Same info presented at Feb board meeting.

AGENDA – March 1, 2004

The Middle Republican NRD Board of Directors will hold a special meeting at the TriBasin NRD Office in Holdrege, Nebraska on Monday, March 1, 2004 at 10:00 A. M.

Regular Meeting:

1. Meeting called to order.
 - a. Verify quorum
2. Circulate agenda and roster
 - a. Items added since mailing
3. OFFIAL NOTICE OF THIS MEETING WAS PUBLISHED IN THE NORTH PLATTE TELEGRAPH AND THE MCCOOK DAILY GAZETTE AND WAS POSTED IN THE NRD OFFICE. AS A COURTESY IT WAS ALSO PROVIDED TO LOCAL RADIO STATIONS
4. Introductions
5. Ground Water Management
 - a. Discussion of Republican River Compact Administration Model.
 - b. Discussion of Joint Action Plan requirements and time line.
 - c. Discussion of proposed allocations.
 - d. Discussion of other settlement issues.
 - e. Discussion of legislative issues – LB 962 as amended

Adjourn

Next regular meeting date – March 9, 2004, 7:30 P. M., at the Fairgrounds in McCook, Nebraska.

Potential Allocation Scheme for Republican River Compact Compliance

This concept relies on developing an incentive based allocation plan. Under this concept there would be two or more alternative allocation options. The base allocation plan would set allocations low enough to ensure that the State would remain in compliance with the Compact in any given year without having to rely on any short term dry-year leasing (in other words the allocation would be set at the minimum allocation Nebraska could expect in a dry year – approximately 200,000 acre-feet). The alternative options would combine a higher allocation per acre with a voluntary payment per acre into a Compact Compliance Insurance Fund (CCIF). The funds, combined with available State and/or Federal funds, would be used primarily for dry-year leasing of quick response wells (QRW) and surface water rights to ensure compact compliance. If additional funds are available, they could be used to permanently retire surface water, QRW, or upland irrigated acres to help manage the lag effect.

The funds would be administered by a board consisting of one person from each participating NRD and the DNR¹. The board would be responsible for establishing the guidelines for distributing the funds and hiring personnel to manage the funds. The operation and maintenance of the funds would be paid for by the fund itself.

The allocations would be established in three-year blocks. The Base Option would be set at _% of 2000 year pumping to ensure compact compliance, even in dry years. Upland wells would be able to use this allocation as they choose within the three-year block. In dry years, QRWs would be restricted to using only the average annual allocation in any given year.

Options 2 (or more) would allow a higher allocation of _ inches per acre for each acre to any irrigator who contributed \$ _ per acre to the CCIF. The amount of water that could be allocated under the alternative Options would be set to ensure continued compliance with the Compact. Surface water users that receive an amount equal to the higher allocation over the three years would also be expected to contribute to the fund. Obviously, for higher allocations, the contribution per acre would also have to be higher.

We believe LB 962 will provide the tools to make this approach work.

Given the increase in acres in both the Middle and Lower Republican NRDs, those NRDS may want to consider establishing a workable allocation per acre by limiting the allocation to _% of certified acres. For example, if the allowable pumping were 150,000 AF for 200,000 certified acres, the NRD may want to establish a 12 inch allocation for 75% of each landowners certified acres. The land owner could choose to utilize that water on 100% of the certified acres.

¹ To be fair, the Tri-Basin NRD should also pay into the CCIF.

Roger Patterson

AM2592
LB 962
MHF-02-11

AM2592
LB 962
MHF-02-11

Sum
6-1-11

AMENDMENTS TO LB 962

- 1 1. On page 124, line 17, after "systems" insert "or may
- 2 establish a tiered allocation system in connection with a water use
- 3 reduction incentive program established pursuant to subsection (9)
- 4 of this section".

Roger Patterson

Joint Action Plan
 Considerations
 March 2004

1. Treat wells differently by date drilled
 - a. July 1, 1998 – Date original management area adopted.
 - b. January 1, 2001 – eligible date in statutes
 - c. Any date from (b.) till now.

Wells completed:

1998	10 (Jul-Dec)	
1999	32	
2000	26	<u>Total 190</u>
2001	54	
2002	68	

2. Treat wells differently by hydrologic conditions
 - a. Alluvial.....→ Acres RW 29,500 HI 21,000
 Quick response wells 1569 wells?(100,000 acres)
 - Upland wells.....→ Acres 300,000
 Areas with declines
 - a. Frontier County-NE corner
 - b. Lincoln County
 Mound area
 Platte drainage

3. What is minimum allocation?
 - a. If allocation is less than 12 inches, do we want to consider
 Rotation of Acres
 Reduction in Acres

4. Incentive (temporary or permanent retirement) practices
 - a. Do we want to actively pursue this type of option?
 - b. Rule development
 - c. How much do we invest

Current Cost-share Dollars	Meters	25,000
	IWM	55,000
	LCP	75,000

Irrigation wells(A,I,S)		Quick Response wells
3392	URNRD	751
3318	MRNRD	1569
3866	LRNRD	1942
1500?	TBNRD	181

2003 Acreage Reports - LRNRD, MRNRD, URNRD
FSA-578 Records August 2003

	Irrigated	Total Acres	Grass NAG	Fallow
Frontier	62,974.77	410,277.80	200,229.50	37,559.40
Hayes	59,251.00	359,352.10	179,464.70	35,078.80
Hitchcock	36,881.79	348,743.10	119,296.80	67,022.60
Red Willow	61,528.90	413,031.50	154,052.50	50,964.90
Lincoln 33%	77,524.82	141,698.30	28,976.71	7,710.88
Totals	298,161.28	1,673,102.80	682,020.21	198,336.58
Lincoln	234,923.70	429,388.80	87,808.20	23,366.30

2 349,000
Certified

Furnas	70,388.08	387,964.10	110,559.40	39,148.05
Harlan	88,391.10	240,916.40	51,354.70	17,256.30
Franklin	106,416.80	181,841.40	4,765.45	5,823.00
Webster 75%	43,725.38	192,321.23	54,442.37	3,522.23
Nuckolls 33%	21,026.53	83,854.52	12,017.35	993.07
Totals	329,947.89	1,086,897.64	233,139.26	66,742.64
Webster	58,300.51	256,428.30	72,589.82	4,696.30
Nuckolls	63,716.75	254,104.60	36,416.20	3,009.30

Perkins	153,789.80	573,254.20	95,023.20	94,784.20
Chase	184,976.50	454,067.60	162,214.60	37,091.40
Dundy	100,674.70	420,443.20	212,035.20	32,281.40
Totals	439,441.00	1,447,765.00	469,273.00	164,157.00

2 468,000
Certified

1,067,550.17

Frenchman Camb.

H: 4438

RW 18912

23350

H+ RW

11695

Frenchman Valley

9242

44287

Nebraska Department of Natural Resources

Data Bank

Database Updated Through: Jan 19 2004 Processed: 2/25/2004

**SUMMARY REPORT
REGISTERED GROUNDWATER WELLS
BY Republican Basin COUNTY**

County	Number of (Registered) Wells				Average Well Depth	Avg Static Level	Avg Pump Level	Total Acres Irrigated	Avg Yield (GPM)	RpIcmnt Wells		
	Comm	Dom	Irr *	Mon							Other	Total
Chase	4	84	1,474	32	103	1,697	288.37	72.78	115.62	231,561	1,556	40
Dundy	9	47	1,099	13	164	1,332	205.75	54.88	95.9	159,409	1,017	43
Perkins	4	76	980	15	103	1,178	395.01	154.67	197.7	153,833	1,156	38
Frontier ***	3	80	703	41	140	967	272.95	146.04	212.17	115,730	785	28
Hayes	1	30	537	18	121	707	328.16	154.16	207.7	79,985	833	15
Hitchcock	23	83	623	53	144	926	126.5	71.15	104.64	69,690	556	49
Red Willow	29	179	1,112	202	247	1,769	113.73	61.95	102.68	102,952	438	56
Lincoln **	6	60	542	0	40	648	443.4	136.7	171.2	79,499	1,097	5
Franklin	3	49	1,227	13	142	1,434	190.07	117.95	152	148,307	727	93
Furnas	11	104	1,035	46	213	1,409	102.11	52.55	86.99	114,434	492	69
Harlan	6	80	1,225	22	119	1,452	177.09	95.71	134.67	142,155	715	64
Nuckolls *	4	123	161	101	106	495	144.26	68.73	105.42	90,998	691	68
Webster *	2	85	572	49	97	805	128.48	73.51	101.15	82,339	626	34
Pheips	11	117	2,299	40	129	2,596	192.67	79.85	114.95	288,615	1,012	278
Kearney	12	154	2,429	120	113	2,828	167.01	64.99	92.36	301,632	1,006	398
Pheips	11	117	2,299	40	129	2,596	192.67	79.85	114.95	288,615	1,012	278
Total	139	1,468	18,317	805	2,110	22,839	216.76	92.84	131.88	2,449,754	857.44	1,556

* Corrected for # of irrigation wells in county by NRD

** Corrected in all columns

*** Corrected for # of irrigation wells and acres

Nebraska Department of Natural Resources
 Data Bank
 Database Updated Through: Jan 19 2004
 Processed: 2/25/2004

**SUMMARY REPORT
 REGISTERED GROUNDWATER WELLS
 BY Republican Basin NATURAL RESOURCES DISTRICT**

Natural Resources District	Number of (Registered) Wells				Avg Well Depth	Average Static Level	Avg Pumping Level	Total Acres Irrigated	Average Yield (GPM)	Number Rplcmnt
	Comm	Domestic	Irr	Other *						
Upper Republican	17	207	3,553	60	293.41	90.91	133.51	544,803.00	1,277.00	121
Middle Republican	62	426	3,517	309	218.07	103.49	150.11	447,856.00	645	207
Lower Republican	24	344	4,220	193	145.64	82.61	117.74	478,217.00	637	261
Tri-Basin	29	351	5,476	170	189.31	80.11	114.37	694,837.00	983	727
Total	132	1,328	16,766	732	212	89	129	2,165,713	886	1,316

* Listed in Part 2
Summary Report (Part 2)
Other Wells (Registered)

Natural Resources District	Other Wells												
	Aqua-culture	Grnd Heat Exchanger	Heat Pump	Inject	Obsrvtn	Other	PWSw/ Spacing Protection	Recovery	Live-stock	Geothermal	PWSw/o Spacing Protection	Dewatering	Total Other Wells
Upper Republican	0	9	0	2	4	10	36	3	299	0	7	0	370
Middle Republican	8	11	3	7	28	12	78	70	566	0	7	0	790
Lower Republican	2	23	5	3	27	8	100	22	392	0	19	1	602
Tri-Basin	1	12	5	1	92	16	50	0	154	0	25	11	367
Total	11	55	13	13	151	46	264	95	1411	0	58	12	2129

Irrigation wells
 Active
 Active, Inactive, Suspended

Upper Middle Lower
 3381 3195 3638
 3392 3318 3866

Percentage Total Pumping in Compact Basin				
UPPER REPUBLICAN	MIDDLE REPUBLICAN	LOWER REPUBLICAN	TRI BASIN	Total
43%	25%	18%	14%	100%
37%	24%	22%	17%	100%
44%	22%	19%	15%	100%
65%	15%	10%	10%	100%
46%	25%	16%	12%	100%
38%	24%	21%	17%	100%
44%	24%	17%	15%	100%
41%	24%	20%	15%	100%
44%	26%	17%	12%	100%
48%	17%	20%	15%	100%
44%	25%	17%	14%	100%
40%	26%	20%	14%	100%
39%	25%	22%	14%	100%
44%	24%	19%	14%	100%
43%	24%	19%	14%	100%

YEAR	Total Pumpage Volume Acre Feet				Total
	UPPER REPUBLICAN	MIDDLE REPUBLICAN	LOWER REPUBLICAN	TRI BASIN 40%	
1990	505,015	298,455	214,375	163,112	1,180,957
1991	463,137	300,297	275,895	214,288	1,253,618
1992	334,973	169,657	145,458	113,279	763,367
1993	256,709	60,881	41,515	38,824	397,929
1994	494,951	271,512	174,458	127,287	1,068,208
1995	439,376	280,015	246,010	192,929	1,158,330
1996	328,475	174,909	124,411	111,604	739,398
1997	489,546	288,260	237,626	179,861	1,195,293
1998	503,415	297,421	194,440	136,416	1,131,692
1999	380,234	135,750	153,409	116,040	785,432
2000	663,490	380,069	263,751	208,619	1,515,929
2001	466,841	307,861	238,542	162,790	1,176,034
2002	644,833	426,294	361,303	224,630	1,657,059
Averages					
1991-2000	435,431	235,877	185,697	143,915	1,000,919
1990-2000 not 1993	460,261	259,634	202,983	156,343	1,079,222

Allocation of Pumpage Volumes by Natural Resources District

Scenario	Upper Republican NRD			Middle Republican NRD		
	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre
Average 1991-2000	435,431	448,500	11.65	235,877	350,000	7.08
10% Pumpage Reduction	391,888	448,500	10.49	212,289		7.29

Scenario	Lower Republican NRD			Tri-Basin NRD		
	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre
Average 1991-2000	185,697			143,915		
10% Pumpage Reduction	167,128			129,523		

Pumpage on Ground Water Irrigated Acres Only Acre Feet					
YEAR	UPPER REPUBLICAN	MIDDLE REPUBLICAN	LOWER REPUBLICAN	TRI BASIN 40%	Total
1990	504,479	269,608	206,988	154,845	1,135,920
1991	462,725	272,189	265,796	203,421	1,204,131
1992	334,672	153,048	139,767	107,191	734,678
1993	256,517	53,685	39,673	36,575	386,450
1994	494,491	241,160	167,212	120,931	1,023,795
1995	438,950	244,970	235,022	182,881	1,101,823
1996	328,157	155,139	119,036	105,997	708,329
1997	489,008	258,485	228,107	170,880	1,146,480
1998	502,817	264,412	146,927	110,276	1,083,101
1999	379,790	122,328	146,927	110,276	759,321
2000	662,758	342,389	253,700	198,671	1,457,518
2001	465,924	279,212	226,686	150,915	1,122,737
2002	643,849	398,720	342,520	208,436	1,593,525
Averages					
1991-2000	434,989	210,781	178,160	136,633	960,563
1990-2000 no1993	459,785	232,373	194,892	148,460	1,035,510

Percentage Total Pumping in Compact Basin				
UPPER REPUBLICAN	MIDDLE REPUBLICAN	LOWER REPUBLI CAN	TRI BASIN	Total
44%	24%	18%	14%	100%
38%	23%	22%	17%	100%
46%	21%	19%	15%	100%
66%	14%	10%	9%	100%
48%	24%	16%	12%	100%
40%	22%	21%	17%	100%
46%	22%	17%	15%	100%
43%	23%	20%	15%	100%
46%	24%	17%	12%	100%
50%	16%	19%	15%	100%
45%	23%	17%	14%	100%
41%	25%	20%	13%	100%
40%	25%	21%	13%	100%
45%	22%	19%	14%	100%
44%	22%	19%	14%	100%

Allocation of Pumpage Volumes by Natural Resources District Ground Water Irrigated Acres Only

Scenario	Upper Republican NRD			Middle Republican NRD		
	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre
Average 1991-2000	434,989	448,500	11.64	210,781		
10% Pumpage Reduction	391,490	448,500	10.47	189,702		

Scenario	Lower Republican NRD			Tri-Basin NRD		
	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre	Total Pumpage Acre Feet	Certified Acres	Inches Per Acre
Average 1991-2000	178,160			136,633		
10% Pumpage Reduction	160,344			122,970		

Summary Allocations Minus Depletions from Beneficial Consumptive Use Nebraska

	5-Yr Running Average		Above Guide Rock	
	Average	Minimum	Average	Minimum
Historical 1981-2002	42,300	(18,100)	17,700	(33,400)
Pumping Reduction Scenarios				
Forecast 2001-2020				
Baseline	1,400	(59,600)	(27,300)	(70,200)
5% Reduction	7,000	(57,300)	(21,700)	(70,300)
10% Reduction	12,500	(54,000)	(15,900)	(67,200)
15% Reduction	17,900	(49,600)	(10,300)	(62,800)
20% Reduction	23,300	(44,600)	(4,670)	(57,500)
10% + 25% QRW	30,800	(35,800)	2,900	(48,400)
10% + 50% QRW	51,800	(15,900)	24,600	(27,700)
15% + 20% QRW	28500	(39,000)	670	(51,600)
15% + 50% QRW	51300	(16,000)	24200	(27,500)
10% Reduce + 25% QRW + 20% SW	44200	(15,000)	21300	(29,300)

	5-Yr Running Average		Above Guide Rock	
	Average	Minimum	Average	Minimum
Pumping Reduction Scenarios				
Forecast 2021-2040				
	(25,500)	(83,400)	(51,700)	(96,600)
	(16,600)	(76,100)	(43,000)	(89,000)
	(8,900)	(71,000)	(35,100)	(84,000)
	(1,500)	(65,100)	(27,700)	(75,100)
	6,640	(58,400)	(19,500)	(71,600)
	12,800	(51,800)	(13,600)	(65,000)
	39,100	(28,000)	12,600	(40,800)
	11,400	(53,700)	(14,900)	(66,600)
	40,800	(25,500)	14,400	(35,000)
	35,200	(33,200)	8,970	(52,200)

Procedures/Deadlines With and Without LB962

If LB962 Is Not Adopted

1. Each NRD/DNR joint action plan is to be completed with one year after the NRD passed the resolution to proceed to develop a plan. The resulting deadlines are:
 - Upper Republican NRD—September 2, 2004
 - Middle Republican NRD—? Aug 12, 2004
 - Lower Republican NRD—? Sept 10, 2004
 - Tri-Basin NRD—August 12, 2004
2. A hearing on adoption of the joint action plan and on designating the groundwater management area to be used to implement the plan is to be conducted within 60 days after the completion of the plan. Notice must be published for 3 weeks prior to the hearing.
3. The district is to decide within 90 days after the hearing if the joint action plan should be adopted and a management area designated and if so, what ground water controls are to be adopted.
4. The order adopting the controls has to be published for 3 weeks following its adoption and it has to become effective within 90 days after its adoption.
5. The statute is ambiguous on this point, but the safe assumption is that DNR is to adopt any surface water controls within the same time frame as allowed for NRD adoption of the ground water controls. In that regard, if DNR determines that surface water controls are to include requirements for surface water appropriators to use reasonable conservation measures or best management practices, DNR is to allow those appropriators a reasonable amount of time, not to exceed 180 days, to identify those measures and/or practices and the schedule for their application and utilization. Whether that opportunity is supposed to be given before or after completion of the plan is also unclear in the statute, but the most reasonable interpretation seems to be that the opportunity is to be given before completion of the plan.

If LB962 Is Adopted (Projected effective date is July 16, 2004)

1. If preparation of a joint action plan has been completed by July 16, the stays on new water uses and on increases in irrigated acres would **not** take effect. (Note: adoption of the plan prior to July 16 is not required, only completion of it so that it is ready for the hearing concerning its adoption; however the NRD and DNR would have to be in agreement that the plan was complete.) If the plan is to be adopted after July 16, it would first have to be compared to the requirements in LB962 for integrated management plans (IMPs), modified if necessary to bring it into conformance with those requirements, and then adopted under the provisions of LB962 as an IMP. If

agreement could not be reached on the need for or substance of any modifications, the disagreement would be submitted to the Interrelated Water Review Board (IWRB) for resolution. Any temporary suspension adopted by the NRD under current law would remain in effect until the IMP was adopted and took effect.

2. If preparation of a joint action has **not** been completed by July 16, the stays on new water uses and on increases in irrigated acres would take effect sometime between that date and August 1. For the Lower Republican, where the temporary current suspension applies to only part of the district, the stays would apply in only the same geographic area, as does the temporary suspension. For the Upper and Middle Republican NRDs, the stays would be district wide. For the Tri-Basin NRD, the stays would apply to all that portion of the NRD that is in the Republican River Basin unless (1) that NRD, under current law and before July 16, 2004, adopts a temporary suspension on new well construction in a more limited geographic area, and (2) DNR does not determine prior to the stay that the temporary suspension area excludes portions of the hydro logically connected area. The stays in each NRD would remain in effect until the IMP for that NRD was adopted either by NRD/DNR or by the IWRB, **except** that if the NRD held a hearing within 90 days after July 16 on the question of whether or not to terminate the groundwater related stays, it could decide within 45 days after that hearing to terminate those stays.
3. Under LB962, the NRDs and the DNR would have up to 3 years (2 more annual extensions allowed) after July 16 to complete each individual IMP and put it into effect. However, the deadlines imposed by the Compact settlement will come into play before then.

3-1-04

Name	Position	NRD
JACK FREAR	Dir	LNRD
JF Hoffman		LRNRD
RICH HOLLOWAY	ASST. MGR.	TB NRD
Duane Dodson	Dir	MP NRD
Robert Melugin	Asst. Mgr.	MRNRD
Christy Peterson	Board Secretary	MRNRD
Mike Thompson	DNR Coordinator	ONR
Bryan Luback	Assistant Mgr	LRNRD
Jim Cook	Legal Counsel	NDNR
Bradley Linder	Director	TB NRD
Ray Whiting	Director	TB NRD
Dave Olseph	Director	TB NRD
Dayle Haag	Director	MRNRD
Wayne Madson	Director	MRNRD
Joe Andrijaska	Director	MRNRD
Stan Moore	Director	MRNRD
Mike Peters	Director	MRNRD
J. Smith	DIRECTOR	MRNRD
KELLY WERTZ	DIRECTOR	MRNRD
Kevin Forroff	Director	MRNRD
Dan Smith	Manager	MRNRD
DEAN EDSON	E. Director	NARD
Tom Terryberry	Director	LRNRD
John Thornburn	Manager	Tri Basin NRD
BOB HIPPLE	MANAGER - UELRD	UARD
Terry L. Martin	Director	LRNRD
		Tri Basin

Name	Position	ARD
Gary Lindstrom	Board member	Tri Basin
Phyllis Johnson	Director	Tri Basin
Dave Nelson	"	"
Larry Reynolds	Director	Tri Basin
Todd Garvelts	"	"
David Nickel	✓	✓
Ed Harris	Director	Tri - Basin
Justin Lavene	Atty General's Office	