



# United States Department of the Interior

BUREAU OF RECLAMATION  
Great Plains Regional Office  
P.O. Box 36900  
Billings, MT 59107-6900

IN REPLY REFER TO:

WY-4304  
ADM-13.00

**SEP 19 2016**

VIA ELECTRONIC MAIL ONLY

Ms. Amy Fey  
Nebraska Community Foundation  
P.O. Box 83107  
Lincoln, NE 68501  
(amyfey@nebcommfound.org)

Subject: Request for Disbursement of Contribution No.'s 540 & 541 – Memorandum of Understanding No. R12AG60019

Dear Ms. Fey:

The subject requests have been reviewed and are ready for payment with Platte River Recovery Implementation Program (Program) funds in the amount of \$184,282.65. Under these Disbursements, Program funds allocated to the 2016 budget should be utilized in the following percentages:

State of Colorado:	12.82 percent
State of Wyoming:	3.21 percent
Department of the Interior:	83.97 percent

Please contact Mr. Brock Merrill at 307-261-5649 if you have any questions.

Sincerely,

**For**  
Christopher J. Beardsley  
Deputy Regional Director

Enclosure

cc: Mr. Harry LaBonde  
Director, Wyoming Water  
Development Office  
6920 Yellowtail Road  
Cheyenne, WY 82002  
(harry.labonde@wyo.gov)

Mr. Jeff Fassett  
Director  
Nebraska Dept. of Natural Resources  
P.O. Box 94676  
Lincoln, NE 68509-4676  
(jeff.fassett@nebraska.gov)

Dr. Jerry Kenny/Ms. Julie Liakos  
Executive Director's Office  
Platte River Recovery Program  
4111 4<sup>th</sup> Avenue, Suite 6  
Kearney, NE 68845  
(kennyj@headwaterscorp.com,  
liakosj@headwaterscorp.com)

Ms. Suzanne Sellers  
Colorado Water Conservation Board  
1313 Sherman Street, Ste. 718  
Denver, CO 80203  
(suzanne.sellers@state.co.us)

Ms. Diane Wilson  
Nebraska Community Foundation  
P.O. Box 83107  
Lincoln, NE 68501  
(dwilson@nebcommfound.org)

**Request for Disbursement of Contributions**  
**Platte River Recovery Implementation Program**

**General Fund**

To: Nebraska Community Foundation

From: The Governance Committee through the Executive Director

Subject: Disbursement of Contributions, Cooperative Agreement No. R12-AC-60020,  
Technical and Administrative Support to the Governance Committee and Executive  
Director for the Platte River Recovery Implementation Program

Request No: 540 Date: 9/12/2016

Please disburse contributions held for the Platte River Recovery Implementation Program, Platte River General Fund in the amount(s) shown below to the indicated parties:

Payees

1. Tri-County Title & Escrow Co., Invoice No None	\$177,896.25
	<hr/>
TOTAL	\$177,896.25

For the following purposes(s)/reason(s):

1. Final closing payment for purchase of Tract W1602 as approved by the Governance Committee on July 27, 2016 for Program Item Water Plan Implementation, Task WP-7, Water Acquisition.

\*Payment to be made in form of electronic fund transfer using information on attached sheet.

Reviewed:

  
Executive Director

09/12/16  
Date

  
Bureau of Reclamation

9/16/2016  
Date

# A. Settlement Statement

U.S. Department of Housing  
and Urban Development

WP7  
TRNET W1602

OMB No. 2502-0265

## B. Type of Loan

1. ☐ FHA 2. ☐ FmHA 3. ☐ Conv Unins  
4. ☐ VA 5. ☐ Conv Ins. 6. ☐ Seller Finance

6. File Number  
167345

7. Loan Number

8. Mortgage Ins Case Number

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower  
Platte River Recovery Implementation Foundation,  
a Nebraska Nonprofit Corporation, Trustee  
c/o Diane M. Wilson, Executive Director  
PO Box 83107  
Lincoln, NE 68501-3107

E. Name & Address of Seller  
Tom Osborne  
5400 Trotter Rd  
Lincoln, NE 68516-3419  
See Addendum

F. Name & Address of Lender

RECEIVED  
9-15-16

## G. Property Location

11-20N-52W- 44.35 acres in Government Lot 1 & accretions in Sec 10 &  
11, Twp 20N, Rg 52W, Morrill County, NE

, NE

H. Settlement Agent Name  
Tri-County Title & Escrow Company  
1464 27th Avenue  
PO Box 1185  
Columbus, NE 68602-1185 Tax ID: 47-0698436  
Underwritten By: Old Republic

I. Settlement Date  
9/15/2016  
Fund:

## J. Summary of Borrower's Transaction

### 100. Gross Amount Due from Borrower

101. Contract Sales Price	\$177,400.00
102. Personal Property	
103. Settlement Charges to borrower	\$496.25
104.	
105.	
Adjustments for items paid by seller in advance	
106. City property taxes	
107. County property taxes	
108. Assessment Taxes	
109. School property taxes	
110. Other taxes	
111. Other taxes	
112.	
113.	
114.	
115.	
116.	

120. Gross Amount Due From Borrower \$177,896.25

### 200. Amounts Paid By Or in Behalf Of Borrower

201. Deposit or earnest money	
202. Principal amount of new loan(s)	
203. Existing loan(s) taken subject to	
204. Loan Amount 2nd Lien	
205.	
206.	
207.	
208.	
209.	

### Adjustments for items unpaid by seller

210. City property taxes	
211. County property taxes	
212. Assessment Taxes	
213. School property taxes	
214. Other taxes	
215. Other taxes	
216.	
217.	
218.	
219.	

220. Total Paid By/For Borrower \$0.00

### 300. Cash At Settlement From/To Borrower

301. Gross Amount due from borrower (line 120)	\$177,896.25
302. Less amounts paid by/for borrower (line 220)	\$0.00
303. Cash From Borrower	\$177,896.25

## K. Summary of Seller's Transaction

### 400. Gross Amount Due to Seller

401. Contract Sales Price	\$177,400.00
402. Personal Property	
403.	
404.	
405.	
Adjustments for items paid by seller in advance	
406. City property taxes	
407. County property taxes	
408. Assessment Taxes	
409. School property taxes	
410. Other taxes	
411. Other taxes	
412.	
413.	
414.	
415.	
416.	

420. Gross Amount Due to Seller \$177,400.00

### 500. Reductions in Amount Due to Seller

501. Excess Deposit	
502. Settlement Charges to Seller (line 1400)	\$879.25
503. Existing Loan(s) Taken Subject to	
504. Payoff of first mortgage to loan	
505. Payoff of second mortgage to loan	
506.	
507.	
508. 1031 Funds to Jack Osborne Q1	\$87,881.86
509.	

### Adjustments for items unpaid by seller

510. City property taxes	
511. County property taxes	
512. Assessment Taxes	
513. School property taxes	
514. Other taxes	
515. Other taxes	
516.	
517. 2014 Irrigation Tax (20007326)	\$402.14
518. 2015 Irrigation Tax (200072326)	\$354.89
519.	

520. Total Reduction Amount Due Seller \$89,518.14

### 600. Cash At Settlement To/From Seller

601. Gross Amount due to seller (line 420)	\$177,400.00
602. Less reductions in amt. due seller (line 520)	\$89,518.14
603. Cash To Seller	\$87,881.86

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services; • Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper. The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information requested does not lend itself to confidentiality.



Kenny discussed the potential for running water lease arrangements with CNPPID for another year. Lake McConaughy is full so there will be the opportunity to run the same deal and test the theory we may get more offers this year. We would use the same terms and not raise the price so it would be a worthwhile experiment. If the GC is interested, then Kraus needs to let his Board know of that interest so we can all start down the path.

The GC agreed to try this approach one more time.

#### **Public Comment**

Ament asked for public comment. None offered.

Meeting adjourned at 5:57 p.m. Mountain Time.

### **WEDNESDAY, JULY 27, 2016**

#### **Welcome and Administrative**

Ament called the meeting to order at 8:00 a.m. Mountain Time. The group proceeded with introductions.

#### **Executive Session**

Merrill moved to enter Executive Session; Berryman seconded. GC entered Executive Session at 8:07 a.m. Mountain Time.

LaBonde moved to end Executive Session; Merrill seconded. GC ended Executive Session at 9:19 a.m. Mountain Time.

#### **PRRIP Executive Session Motions**

LaBonde moved and Berryman seconded to allow the Executive Director's Office to move forward with acquisition of Tract W1602. Kraus abstained. Motion approved.

#### **PRRIP First Increment Extension Proposal**

Discussions related to the Extension Proposal were recorded and will be incorporated into a revised draft of the Extension Proposal for discussion at the August 17, 2016 GC meeting in Denver. Please see the attached document for a record of those discussions.

#### **Water Plan Implementation**

Hovorka moved and LaBonde seconded to put the proposed J2 Regulating Reservoir Project on hold as the Program pursues other Water Action Plan opportunities, and to direct the EDO to work with CNPPID and Nebraska DNR to develop a related addendum to the existing Water Service Agreement. Czaplewski, Miller, and Kraus abstained. Motion approved.

LaBonde moved and Hovorka seconded to:

- Move ahead with geotechnical testing and other components needed on potential slurry wall gravel pit sites with the intent of putting in place at least one project;
- Move ahead with permitting and other components needed on potential broad scale recharge project sites with the intent of putting in place at least one project. Develop a management plan for the Cottonwood Ranch broad scale recharge project that includes an evaluation of potential impacts (positive or negative) on existing whooping crane habitat.

**TRI-COUNTY TITLE & ESCROW COMPANY  
1464 27<sup>TH</sup> AVENUE  
PO BOX 1185  
COLUMBUS, NE 68602-1185  
(402) 564-7771  
(402) 564-7055 FAX**

**THE FOLLOWING ARE WIRING INSTRUCTIONS FOR WIRES TO  
TRI-COUNTY TITLE & ESCROW COMPANY**

**PINNACLE BANK  
2661 33<sup>RD</sup> AVENUE  
COLUMBUS, NE 68602-1585  
(402) 562-8935**

**ROUTING NO./ABA #: 104913912**

**FOR FURTHER CREDIT TO: 4600345687**

**BORROWER'S NAME:**

**E-MAIL ADDRESS (if needed): tri@megavision.com**

**Request for Disbursement of Contributions**  
**Platte River Recovery Implementation Program**

**General Fund**

To: Nebraska Community Foundation

From: The Governance Committee through the Executive Director

Subject: Disbursement of Contributions, Cooperative Agreement No. R12-AC-60020,  
Technical and Administrative Support to the Governance Committee and Executive  
Director for the Platte River Recovery Implementation Program

Request No: 541 Date: 9/12/2016

Please disburse contributions held for the Platte River Recovery Implementation Program, Platte River General Fund in the amount(s) shown below to the indicated parties:

**Payees**

1. Gateway Realty Inc., Invoice No None	\$6,386.40
	<hr/>
TOTAL	\$6,386.40

For the following purposes(s)/reason(s):

1. Commission payment for Tract W1602 as approved by the Governance Committee on July 27, 2016 for Program Item Water Plan Implementation, Task WP-7, Water Acquisition.

Reviewed:

  
Executive Director

09/12/16  
Date

  
Bureau of Reclamation

9/12/2016  
Date





Kenny discussed the potential for running water lease arrangements with CNPPID for another year. Lake McConaughy is full so there will be the opportunity to run the same deal and test the theory we may get more offers this year. We would use the same terms and not raise the price so it would be a worthwhile experiment. If the GC is interested, then Kraus needs to let his Board know of that interest so we can all start down the path.

The GC agreed to try this approach one more time.

#### Public Comment

Ament asked for public comment. None offered.

Meeting adjourned at 5:57 p.m. Mountain Time.

### **WEDNESDAY, JULY 27, 2016**

#### Welcome and Administrative

Ament called the meeting to order at 8:00 a.m. Mountain Time. The group proceeded with introductions.

#### Executive Session

*Merrill moved to enter Executive Session; Berryman seconded. GC entered Executive Session at 8:07 a.m. Mountain Time.*

*LaBonde moved to end Executive Session; Merrill seconded. GC ended Executive Session at 9:19 a.m. Mountain Time.*

#### PRRIP Executive Session Motions

*LaBonde moved and Berryman seconded to allow the Executive Director's Office to move forward with acquisition of Tract W1602. Kraus abstained. Motion approved.*

#### PRRIP First Increment Extension Proposal

Discussions related to the Extension Proposal were recorded and will be incorporated into a revised draft of the Extension Proposal for discussion at the August 17, 2016 GC meeting in Denver. Please see the attached document for a record of those discussions.

#### Water Plan Implementation

*Hovorka moved and LaBonde seconded to put the proposed J2 Regulating Reservoir Project on hold as the Program pursues other Water Action Plan opportunities, and to direct the EDO to work with CNPPID and Nebraska DNR to develop a related addendum to the existing Water Service Agreement. Czaplewski, Miller, and Kraus abstained. Motion approved.*

*LaBonde moved and Hovorka seconded to:*

- *Move ahead with geotechnical testing and other components needed on potential slurry wall gravel pit sites with the intent of putting in place at least one project;*
- *Move ahead with permitting and other components needed on potential broad scale recharge project sites with the intent of putting in place at least one project. Develop a management plan for the Cottonwood Ranch broad scale recharge project that includes an evaluation of potential impacts (positive or negative) on existing whooping crane habitat.*



WP 7  
W1602

FILED  
9/12/16

## AGREEMENT

This Agreement made and entered into this 31<sup>st</sup> day of August, 2016, by and between Gateway Realty, Inc., North Platte, Nebraska, hereinafter referred to as "Real Estate Agent", and Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee, hereinafter referred to as the "Buyer".

WHEREAS, Real Estate Agent has contracted with Thomas W. Osborne and Nancy Osborne, husband and wife; and John C. Osborne and Pamela Osborne, husband and wife, (Seller) to provide services to Seller for the sale of approximately 43.7 acres in Morrill County for a listing commission;

WHEREAS, the Seller has a Real Estate Purchase Agreement with Buyer for the sale and purchase of said real estate;

WHEREAS, Buyer has agreed to pay 3.6% commission to Gateway Realty outside of closing.

### IT IS THEREFORE AGREED:

1. The Buyer will pay the commission of 3.6% of the purchase price to Gateway Realty outside of closing of the real estate referred to above on the day of closing.

Gateway Realty, Inc., North Platte,  
Nebraska

BY: Spencer Osborne

Platte River Recovery Implementation  
Foundation, Trustee - Buyer

BY: Diane M. Wilson

Diane M. Wilson  
Executive Director

Calculation  
of Gateway  
Commission

\$177,400.00      3.6%    \$6,386.40

**Tri-County Title & Escrow Company**  
1464 27th Avenue  
PO Box 1185  
Columbus, NE 68602-1185

Seller Statement  
09/15/2016

File No: 167345

Seller: Thomas W. Osborne a/k/a Tom Osborne  
5400 Trotter Rd  
Lincoln, NE 68516-3419

Charter Title & Escrow Services, Inc., Qualified Intermediary for  
John C. Osborne a/k/a Jack Osborne  
1830 Home Street  
Hastings, NE 68901-7420

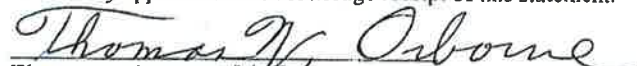
Purchaser: Platte River Recovery Implementation Foundation, a Nebraska Nonprofit Corporation,  
Trustee  
c/o Diane M. Wilson, Executive Director  
PO Box 83107  
Lincoln, NE 68501-3107

Property Address: 11-20N-52W- 44.35 acres in Government Lot 1 & accretions to Government Lot 1 in  
Sec 10 & 11, Twp 20N, Rg 52W, Morrill County, NE

	Debits	Credits
Contract Sales Price		\$177,400.00
1031 Funds to Jack Osborne QI to Charter Title & Escrow Services, Inc.	\$87,829.86	
2014 Irrigation Tax (20007326) to County Treasurer	\$402.14	
2015 Irrigation Tax (200072326) to County Treasurer	\$354.89	
Settlement or closing fee to Tri-County Title & Escrow Company (1/2)	\$150.00	
Title insurance to Tri-County Title & Escrow Company (1/2)	\$281.75	
Insured Closing Fee to Tri-County Title & Escrow Company (1/2)	\$12.50	
State tax/stamps to Register of Deeds	\$405.00	
Recording Affidavit & POA to Register of Deeds	\$52.00	
Wire Handling Service to Tri-County Title & Escrow Company	\$30.00	
Sub-totals	\$89,518.14	\$177,400.00
Balance Due To Thomas W. Osborne a/k/a Tom Osborne		\$87,881.86

Charter Title & Escrow Services, Inc., Qualified Intermediary for  
John C. Osborne a/k/a Jack Osborne

We hereby approve and acknowledge receipt of this statement.

  
Thomas W. Osborne a/k/a Tom Osborne

By: \_\_\_\_\_  
Dan Wiebe

\_\_\_\_\_  
John C. Osborne a/k/a Jack Osborne