

# MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: February 7, 2014

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT**: The I&E Report detailing Information and Education activities for the month of January 2014, is attached for your review.
- B. **PERSONNEL/MISCELLANEOUS ITEMS**: No items to report.
- C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES AND PERSONAL PROPERTY**: Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases from the month of January, 2014. Please review this report and contact me if you have any questions.
- D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL**: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of January 13, 2014. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT**: The January meeting of the Papillion Creek Watershed Partnership was cancelled. The next Partnership meeting is scheduled for February 27, 2014
- F. **NEWS CLIPS**:
- ✓ January 9, 2014, Washington Co. Republican Party Website, Salvation of the State, by Scott Japp
  - ✓ January 10, 2014, Omaha World Herald article, Papio NRD votes to refer board member's actions to county prosecutor
  - ✓ January 10, 2014, Omaha World Herald Public Pulse, Make irrigators pay for water projects
  - ✓ January 14, 2014, Nebraska Watchdog article, Embattled, little-known public official takes on Nebraska's largest newspaper
  - ✓ January 15, 2014, Omaha World Herald Public Pulse, NRD rightly stood up to dissident director
  - ✓ January 16, 2014, Omaha World Herald article, Ron Bishop, 75, a pioneer for natural

- resources districts
- ✓ January 17, 2014, Washington Co. Enterprise and Pilot Tribune article, NRD board's issues with Japp continue
  - ✓ January 20, 2014, Kearney Hub article, Task force-related water bills headed to the Legislature
  - ✓ January 23, 2014, Omaha World Herald Public Pulse, Japp stands up to NRD dam promoters
  - ✓ January 24, 2014, Washington Co. Enterprise and Pilot Tribune, Fort Calhoun to respond to NRD's motion to dismiss
  - ✓ February 6, 2014, Midlands Voices article, Midlands Voices: Don't skimp on long-term water needs
  - ✓ February 6, 2014, Washington Co. Enterprise and Pilot Tribune article, Japp mulls run for Legislature
  - ✓ February 8, 2014, Lincoln Journal Star article, Local View: Why we need \$50 million for water
  - ✓ February 9, 2014, Omaha World Herald Public Pulse, NRD punishing me for dissent on dam
  - ✓ February 11, 2014, Washington Co. Pilot Tribune article, More funding needed for water projects
  - ✓ February 12, 2014, Bellevue Leader article, NRD says \$24 million FEMA bill looms

## January, 2014 Information/Education Report

### Information

- Set up and staffed Omaha Boat Sports and Travel Show
- Received updated Omaha Metro Trails brochures and began distribution and promotion
- Scheduled Information Campaign video spots for presentation before movies at Aksarben Cinema, Twin Creek Cinema and Village Point Cinema in May, 2014
- Attended NARD I&E group meeting in Lincoln.
- Received new interpretive sign for W. Maple Access. Received river littering signs for other river access sites
- Distributed news releases
- Updated web site and Facebook pages
- Continued photo archiving
- Began work on Spring 2014 Spectrum Newsletter
- Contracted for NRD ad in Omaha Storm Chasers 2014 programs and designed stadium concourse sign, both concerning construction of WP-5 project.

### Education:

#### January Programming Schedule:

- 1/7- Fairview Elementary Science Olympiad- Flood Control- 10 students (6<sup>th</sup> grade)
- 1/8- Boat and Travel Show Q&A Meeting
- 1/9- Neihardt Elementary- Owls- 53 students (Pre-K)
- 1/11/- Boat and Travel Show Booth
- 1/12- Boat and Travel Show Booth
- 1/14- Holy Name ELC- Owls-14 students (1<sup>st</sup>-8<sup>th</sup> grade)
- 1/15- Mary Our Queen- Environmental History- 68 students (4<sup>th</sup> grade)
- 1/16- Sandoz Tiger Explorers- snakes- 49 students (3<sup>rd</sup>-5<sup>th</sup> grade)
- 1/21- St. Bernadette- Environmental History- 65 students (4<sup>th</sup>-5<sup>th</sup> grade)
- 1/22- Westgate Elementary- Bird Nests- 65 students (K)
- 1/23- St. Bernadette- Tracks/Pelts/Skulls- 65 students (4<sup>th</sup>-5<sup>th</sup> grade)
- 1/23- Sandoz Cub Explorers- Snakes- 49 students (1<sup>st</sup>-3<sup>rd</sup> grade)
- 1/27- Statewide I&E meeting- LPSNRD
- 1/30- Crestridge Elementary- Recycle Relay- 59 students (6<sup>th</sup> grade)

#### Meetings/Training:

Children and Nature Network Regional Contact Conference Call  
Search Committee for NFS Conservation Education Position Interviews  
MORE Nature Committee Meeting

#### Planning:

Spring/Fall Nature Nights  
Spring Field Trips and Programming  
Spring Tree Order  
Summer Day Camps  
Water Works Festival Application & Database Updates  
Update Service Award Plaques  
Groundwater Implementation Plan Review  
Envirothon Application

**Report on Purchases  
Construction Services, Professional Services, Personal Property**

January, 2014

<b>Date</b>	<b>Project Name</b>	<b>Item / Task</b>	<b>Company</b>	<b>Cost</b>
1/2-31/2014	Project maintenance	Gravel/rip rap	Martin Marietta	\$29,104.28
1/21/2014	MO River Floodway Buyout Program	Elbow Bend property appraisals	Mitchell & Associates	\$5,200

Updated: January 13, 2014

## **Current and On-Going Projects P-MRNRD Legal Counsel**

⊛ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
  - UNO Arena access easement (W)
- **Big Papio:** (Cleveland)
  - Interlocal Agreement with Papillion & La Vista & SIDs on Fricke Drainage (W)
- **West Branch:** (Cleveland)
  - Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (P)
- **Western Sarpy Dike:** (Cleveland)
  - Saunders County side ROW agreement and easements (F)
  - NRDs/NE-ARNG Interlocal for Camp Ashland Property (P)
- **Floodway Purchase Program:** (Laster)
  - ⊛ Agreement with MAPA for King Lake Management (W)
  - ⊛ Agreement with MAPA for Sarpy Co. Missouri River Buyouts (W)
- **Trail Projects:** (Williams)
  - ⊛ Mo Pac (Springfield to Platte River) drainage repair easements (W)
- **Missouri River Corridor Project:** (Becic)

- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Schumacher/Cleveland)
  - ✦ Papio W-3 Eminent Domain (Camden) (W)
    - Papio W-3 Access-Quiet Title Action (W)
  - ✦ Exchange Agreement with Wachter for PJ-15 ROW (W)
  - ✦ Deed for 0.46 acre Rohde/Bourland Tract for PJ-15 (W)
    - Tek/Mud PL 566 Site 41A access (W)
- **Papio Watershed Dam Sites:** (Grint/Laster/Williams)
  - ✦ Interlocal agreement with Douglas County for DS-15A (W)
  - ✦ DS-15A purchase agreements, deeds and easements (W)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Missouri River R-613 and R-616 Levees:** (Cleveland/Henkel)
- **Rural Water Projects:** (Nelson)
  - ✦ Fort Calhoun Lawsuits on WCRW (W)
    - WCRW Neale Woods water line extension agreement (N)
    - Review update to Rural Water Rules and Regulations (N)
- **Other:**
  - Groundwater Monitoring well easement template (N) (Henkel)

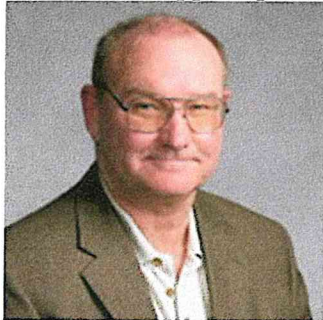


Thursday, January 9th, 2014 at 7:35am

## Salvation Of The State

Posted by admin

By – Scott Japp, Papio-Missouri River NRD Director #1



“The salvation of the state is watchfulness in the citizen.” This statement is carved into the wall of our State Capitol. There are two temptations that political institutions and citizens must overcome: (1) the tendency for governmental agencies to accumulate more power and (2) complacency. As a prudent elected official I believe in this motto. I took an oath to uphold the laws of this state – not to deprive my constituents of their due process. So, when the Papio-Missouri Natural Resources District board voted to approve a recreation and dam project that costs over \$1 billion and would only provide \$300 million of flood reduction for 100 years, this director voted no.

As you are probably aware by now, the powers-that-be find my particular stance on this issue to be somewhat odious. They simply cannot understand why I would choose to defend my constituents’ interests. I am of the mindset that disagreement can make for healthy debate; however, it’s one thing to disagree with a person’s position and quite another to actively pursue retribution against that person for his position. In this regard, some NRD officials, media outlets, and other special-interest lackeys have taken it upon themselves to do everything in their power to discredit my message of lower taxes, fiscal restraint, and public oversight. While these sordid minions continue to meander down the beaten path of baseless, grossly inaccurate, and potentially libelous character assassination, they should know that I will not be deterred in my efforts to continue fighting for you, my fellow constituents.

With that being said, I am not kowtowing to the irresponsible spending by a majority of the directors. When NRD land offers, for example, range from \$8,500 to over \$40,000 for the same type of land on the same dam project, one must ask why such a range? Might politics and good ol’ boy cronyism have something to do with it? The answer, of course, is a resounding yes. Why else would a former PMNRD director who supported the dam project, and is incidentally a landowner in the dam project area, be entitled to greater remuneration than, say, an 80-year-old

farmer who was offered 75 percent less? The NRD has an obligation to make sure that all landowners are adequately compensated for best use. Yet, when this is pointed out, NRD officials level trumped-up charges and devise a massive public misinformation campaign against anyone who dares to speak the truth.

One example of this thinly-veiled attempt to silence the people appears in a recent Omaha World-Herald editorial, which implies, rather asininely, that if a majority of the board approves of a particular policy then you, the taxpayer, must also agree with it. The editorial also brazenly asserts that this is somehow the foundation for how democracy works. This line of reasoning is both specious and incorrigible. If we are to hold such a logical fallacy in high esteem, then what is to stop any governmental entity from pursuing a course of action that arbitrarily and capriciously rewards its friends and punishes its enemies? To paraphrase James Madison, we must be wary of factions lest the tyranny of the majority usurp individual liberty. When the NRD, in its infinite wisdom, decides that some landowners are not to be compensated for best use while others are, this is surely a sign of tyranny – not democracy.

Every two years, the citizens of Nebraska have the privilege of an election to express their desire on the outcome of their local government. For far too long we have ignored local government, where the vast majority of our tax spending occurs. The status quo has scarcely been challenged, and we are witnessing the abysmal results – increased welfare, more regulations, and the deterioration of infrastructure. Now, the accumulation of power by political subdivisions has reached a crescendo and is threatening to abscond with our rights. Where are the state governmental agencies? Shouldn't they be watching out for the rights of the citizens? Moreover, are we prepared to tacitly accept the nascent, perverted notion that the gravitas of all public opinion, as the World-Herald editorial suggests, is simply concentrated in the hands of a small group of elected officials?

Enough is enough. Complacency must no longer be tolerated. It is time to throw out the bums and take back our control at all levels. There is more common sense in our coffee shops, and it is time to prove it.

Scott Japp  
Papio Missouri Natural Resources Director  
Arlington, Nebraska  
sjapp@abbnebraska.com

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## Papio NRD votes to refer board member's actions to county prosecutor

By *Cody Winchester* / *World-Herald* staff writer

The conflict at the Papio-Missouri River Natural Resources District boiled over Thursday as the board voted to refer one member's actions to a county prosecutor.

The NRD's lawyers will ask the Douglas County Attorney's Office to investigate whether board member Scott Japp acted improperly when he asked landowners in the path of the district's newest reservoir, a \$43 million dam site planned for northwest Omaha, to sign topsoil lease agreements with a company he represents.

Separately, the NRD also will seek an injunction in Douglas County District Court "with respect to such quarry lease agreement."

Both measures were approved Thursday on 7-2 votes. Ron Woodle and Tim Fowler were absent. Japp and Curt Frost, who represents northern Douglas County, voted no.

It was Japp's first vote on an agenda item since October. In November, he announced that he would no longer participate in meetings because of a letter the district sent to news media and some government agencies saying Japp does not speak for the district.

The conflict stems from the board's May vote to approve a bond issue for Dam Site 15A, which will flood 225 acres for a new reservoir at 168th and Fort Streets.

Japp, Frost and David Klug of Gretna voted against the project. But Japp went further.

In November, as district representatives were negotiating buyouts with the 17 landowners whose property will be flooded, Japp sent landowners a letter saying he represented a company, Canudigit LLC, that had an interest in quarrying their topsoil. A proposed mineral lease was attached.

District officials complained that Japp's proffer would complicate buyouts in the reservoir footprint and potentially constituted a conflict of interest, depending on his connection to the company. It's not clear whether Canudigit LLC exists, however. It's not incorporated in Nebraska, and no companies with similar names in other states said they had business pending in Nebraska.

Japp declined earlier this week to answer questions posed by board members about the company or the lease proposal. But on Thursday, he said he's not involved in the company and knows nothing about who's behind it.

"I'm looking forward to what action you guys are taking," Japp said.

The incident caps a tense year in which Japp accused the district of financial misconduct, which the state auditor said were unfounded, and of withholding public records.

The board also censured Japp for "rude and abusive behavior" and formally condemned his "alienating manner" and "reckless assertions," and Japp sued the district in Sarpy County Court, seeking a \$42 reimbursement he'd been denied for a trip to a neighboring natural resources district.

## **W-H Public Pulse 1-10-14**

### **Make irrigators pay for water projects**

I went back to read about the Water Funding Task Force's recommendation that Nebraska taxpayers provide \$50 million per year for water conservation efforts (Dec. 13 World-Herald). This recommendation should alarm most Nebraska citizens, especially those living in urban areas.

The task force recommends a mix of taxes to raise the money, none of which appear to be directed at irrigation, which is responsible for in excess of 90 percent of water consumption in our state.

It should be noted that our state Constitution says our water is a public resource.

The decision as to where the funding should come from should be a very easy one. We have about 8 million privately owned and irrigated acres in Nebraska. Charging owners \$10 per irrigated acre — a fraction of the market value — would raise about \$80 million annually.

This is a situation where the cost causer should be the cost payer. Getting the tax money from sales tax, sand and gravel, soft drinks, bottled water, fertilizer or ethanol is not right.

Ted Thieman, Petersburg, Neb.



## Embattled, little-known public official takes on Nebraska's largest newspaper

By [Joe Jordan](#) / January 14, 2014 / [No Comments](#)

By Joe Jordan | Nebraska Watchdog

A little-known elected official, long at odds with his own board, is taking on a new opponent: the state's largest newspaper that he calls asinine.

At the same time, **Scott Japp** of the **Papio-Missouri Natural Resources District** is getting more heat from the NRD including a possible investigation or legal action aimed at stopping Japp in his tracks.

As **Nebraska Watchdog** has [already reported](#), [Japp](#) was branded "not authorized to speak" by the NRD in October.

Now he's coming out loud and clear against the **Omaha World-Herald**, which [recently editorialized](#) about "allegations of interference and conflict of interest" surrounding Japp.

The paper says Japp, who opposes a key component of the the NRD's flood fighting plan, often seems "to wind up in the middle of confrontation."

In turn, Japp ridicules the World-Herald for its "thinly-veiled attempt to silence the people."

In a lengthy statement emailed to **Nebraska Watchdog** (see below) Japp says the newspaper "implies, rather asininely, that if a majority of the board approves of a particular policy then you, the taxpayer, must also agree with it."

All this stems from Japp's opposition to a proposed 225-acre, \$42 million dam site in northwest Douglas County due to be completed in two years.

At the same time, the NRD is acquiring land for the project, Japp apparently is urging landowners to cut a separate deal.

According to a Nov. 25, 2013, letter sent to **Nebraska Watchdog** by the NRD, Japp, who apparently signed the letter, made the following sales pitch:

"I have been asked to represent Canudigit LLC, a firm that wants to acquire a lease agreement for the topsoil and the mineral material aggregates on the section of land...that would be

acquired from a governmental agency. This royalty would be addition (sic) revenue to the price you would receive from the sale of the land to the PMNRD.”

Papio General Manager **John Winkler** calls the move an “effort to interfere with the NRD’s land acquisition program.”

The NRD board Thursday voted 7-2 — Japp and Curt Frost voted “no” — to seek an injunction stopping the side-deal along with making Douglas County Attorney **Don Kleine** aware of the situation.

Japp has not returned **Nebraska Watchdog’s** request for comment.

But according to the minutes from the meeting, Japp said he had nothing to do with **Canudigit**, even though his name and signature appear on the letter.

Japp, a Republican who has been elected twice by the voters in Washington, Burt, Thurston, and Dakota counties, is up for re-election in 2016, if he runs.

Contact Joe Jordan at [joe@nebraskawatchdog.org](mailto:joe@nebraskawatchdog.org) and listen to Joe every Monday morning at 7:40 on KFAB radio in Omaha.

To subscribe to news updates from **Nebraska Watchdog** at no charge, [click here](#)

Statement from Scott Japp:

### Salvation Of The State

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Omaha W-H 1-15-14 Public Pulse

**NRD rightly stood up to dissident director**

The board of the Papio-Missouri River Natural Resources District is going to take legal steps against one of its directors for what appears to be blatant and reckless interference in one of its vital flood-control projects in northwest Omaha (Jan. 10 World-Herald).

Kudos to the board and staff of the NRD for finally standing up to Scott Japp and for saying loud and clear that interference in public safety issues will not be tolerated.

Public debate is encouraged, but this type of behavior from an elected person at any level should not be tolerated.

George Nielsen, Omaha



Ron Bishop, the former manager of the Central Platte Natural Resources District, died Monday.

## Ron Bishop, 75, a pioneer for natural resources districts

*By Robert Pore / World-Herald News Service*

GRAND ISLAND, Neb. — Ron Bishop, 75, a pioneer in the development of Nebraska's natural resources districts and manager for more than 40 years of the Central Platte Natural Resources District, died Monday at St. Francis Medical Center in Grand Island.

Funeral services will be at 11 a.m. Monday at Peace Lutheran Church with the Rev. Michael Reiners officiating.

Bishop retired last year after serving more than 40 years as manager of the Central Platte NRD. He was the district's first manager, and Bishop was instrumental in the development of Nebraska's NRD system, which consolidated many previous smaller soil and water conservation districts into 23 natural resources districts that provide local control over soil and water resources. Nebraska is the only state to have an NRD system.

Bishop's leadership in the Central Platte NRD for more than 40 years was honored last year at Husker Harvest Days. He was among the inaugural inductees in a hall of fame established by the Nebraska Association of Resources Districts.

Dean Edson, executive director of the Nebraska Association of Resources Districts, said Bishop was "one of the greatest leaders in natural resources I have ever known."

"Anywhere there was an innovative program that got started that was successful, Ron Bishop was the guy you would find behind it," Edson said. He knew Bishop for nearly 30 years.

Flood control, especially on the Wood River, was among Central Platte's accomplishments under Bishop's leadership. The Wood River flooded in 1967, causing millions of dollars in property damage in Grand Island and across Hall, Buffalo and Merrick Counties.

In 2004, the Central Platte NRD was instrumental in getting the Wood River flood control project completed. A year later, the Wood River flooded again, but the flood control project diverted those floodwaters away from Grand Island. That not only saved Grand Island millions of dollars in flood damage, but also justified the \$16 million cost of the flood control project.

Bishop also helped make the Central Platte NRD a leading partner in the Platte River Recovery Implementation Program, which focused on implementing a management program that creates and maintains wildlife habitat on the Platte River.

“He got the Platte River habitat coalition going, and they were instrumental in saving habitat for endangered species,” Edson said.

Bishop also managed the Central Platte NRD’s ability to implement local control on a state-imposed well-drilling moratorium on new irrigation ground with innovative programs, such as the district’s water banking program, which began in January 2007. As part of the program, the NRD purchases water rights to balance water that is being used with water that is available.

More than 1 million acres in the Central Platte NRD are irrigated.

The Central Platte also was the first NRD to start a water quality program, Edson said.

“Before that, he pushed hard to get the statutory authority to do it,” he said. “The Central Platte was the first district to do that, and now we have nitrate levels decreasing across the state instead of increasing.”

Edson said Bishop always believed that local control was key in implementing programs.

“He believed local people will solve the problems,” Edson said. “He was always there to provide the leadership to make things work.”



# NRD board's issues with Japp continue

Posted: Friday, January 17, 2014 8:49 am

**NRD board's issues with Japp continue** By Teresa Hoffman Washington County Enterprise and Pilot Tribune |  
**0 comments**

While one side calls the situation a character assassination and the other side calls it a conflict, it appears the new year didn't bring with it any resolution to the rocky relationship between Scott Japp of Arlington and other members of the Papio-Missouri River Natural Resources Board.

The latest issue, which resulted in two additional resolutions involving Japp being passed by the board last week, centers on a dam-site project near 148th and Fort streets in Omaha and whether his talking to landowners about a mineral rights agreement constitutes a conflict of interest because the project involves the NRD.

The NRD is in the process of acquiring land needed for the site, which they said is a vital component of the Papillion Creek Watershed flood control plan.

Japp, who represents all of Washington and Dakota counties and portions of Douglas, Burt and Thurston counties on the NRD board, voted against the dam-site project and has been an opponent of all of the dam site projects proposed by the board because he said they are too costly for the protection that they would provide.

At its Jan. 9 meeting, the NRD board passed a resolution directing NRD General Manager John Winkler to bring to the attention of the county attorney a proposed quarry lease agreement that they say Japp is involved with.

Winkler said NRD board members have asked Japp about his involvement with the agreement and the company Canudigit, but have received no response from him or a notification that there might be a conflict. His failure to respond, Winkler said, raises red flags for the board.

"I guess that raised the question of how he's involved and if he's benefiting," Winkler said.

A letter sent with Japp's name and address at the top and signed by him also raised concerns for the board, Winkler said.

In the letter, which the Enterprise has received a copy of, Japp writes, "I have been asked to represent Canudigit, a firm that wants to acquire a lease agreement for the topsoil and the mineral material aggregates."

The letter went on to say: "I have been asked to offer a royalty for the aggregates and topsoil." It would be additional revenue to the price they would receive from the sale of the land to the NRD, he said.

Japp told the Enterprise this week that he did send letters to landowners he did not talk to personally, but when asked if he was involved in helping negotiate the deal, he said no. He also said he has no ties to Canudigit and would not gain financially from the agreement.

"All I did was deliver a lease contract to the landowners and told them to contact the attorney," he said.

The attorney listed on the contact is KC Engdahl, who Japp said is a friend of his and has served as his attorney.

He said the agreement would not affect the NRD's purchasing of land from the project.

Japp said he got involved not only because he is friends with Engdahl, but also because he knows most of the landowners in that area and has done work for him. He said he doesn't know anything about Canudigit, including where the company is located.

Engdahl said he "was not at liberty to say" where the company is located.

He also said that Japp is not an owner of the company and has no financial stake.

Winkler said the Nebraska Secretary of State's Office has said that particular entity does not exist in the state of Nebraska.

Winkler said his office learned about the agreement when one of the landowners contacted them after receiving Japp's letter.

"It confused the landowners," Winkler said. "They didn't know what was going on."

After hearing from one of the landowners, Winkler sent a letter attempting to explain the situation and encouraging them to contact an attorney before signing any agreement and stressing to them that the NRD has no involvement with it.

Winkler said he and his staff are working to set up a meeting with Douglas County officials to determine how to proceed.

"We will present the facts and let them decide," he said. "The board sees a possible conflict of interest that needs to be looked at to see if there is a conflict of any time or rules or regulations violated."

The board also passed a resolution that directs the NRD's legal counsel to request an injunction and other relief from the district courts with respect to the Quarry Lease Agreement.

Winkler called the latest conflict between the board and Japp a confusing situation, but something that could be cleared up if Japp could provide complete answers.

"I've never see anything like this in my years of public service," Winkler said of the situation. "It's bizarre."

Japp called the situation another attempt by the board at character assassination.

"In my personal opinion, I think they are posturing by threatening me with a lawsuit, which they've previously done before," he said. "I personally don't think anything will come out of it."

This latest issue is one of many public conflicts between Japp and the NRD board. Last year, the board issued resolutions censuring Japp and reprimanding him for his behavior toward board members and staff.

# Task force-related water bills headed to the Legislature

By LORI POTTER Hub Staff Writer | Posted: Monday, January 20, 2014 2:45 pm

KEARNEY — The final two of three bills reflecting the work of the Nebraska Water Funding Task Force will be introduced in the Nebraska Legislature this week.

“I’ll do that on Tuesday,” Natural Resources Committee Chairman Sen. Tom Carlson of Holdrege said Saturday at the Nebraska LEAD Alumni Conference in Kearney.

The 34-member task force, including six nonvoting state senators, met from July to early December to look at Nebraska’s water project needs, priority-ranking criteria and potential dedicated sources of funding for \$50 million a year.

State Sen. Ken Schilz of Ogallala introduced LB940 Thursday. It would require \$50 million for 2014 to be transferred from the cash reserve fund to a newly created Water Sustainability Fund by July 31.

Carlson said one of his bills “remodels” the current Natural Resources Commission into the entity that will govern the Water Sustainability Fund. NRC members will remain the core of the proposed new governing body.

His second bill would provide an annual appropriation of \$50 million to the fund from the Legislature’s Appropriations Committee starting in 2015.

That’s a different long-term funding approach than the one in the task force’s consensus report to the Legislature. It has a menu of funding options, including a dedicated portion of the current state sales tax and taxes on ethanol, fertilizer and soft drinks.

When asked by the Hub Saturday about the change, Carlson said the annual allocation approach is preferred by people whose support will be needed to get long-term water project funding approved.

The other funding options will be kept in reserve. “If you have only one option and you lose, you’re done,” Carlson told the LEAD alumni.

It was estimated that 1/8th of a cent of the current sales tax would generate about \$32 million annually. Other task force ideas were:

- Remove the sales tax exemption on bottled water
- A tax on soft drinks
- Severance tax on enterprises such as sand, gravel, oil and gas mining
- Excise tax on ethanol
- Tax on ag and residential fertilizer

Now, Carlson said, the case must be made that Nebraska needs to fund water projects.

The task force’s proposed criteria focuses on whether a project promotes water use sustainability. “If we use more than our supply gives us, we’re digging a hole. If we don’t stop, we dig a bigger hole,” Carlson said, adding that the two options to reach sustainability are to use less water or enhance the water supply.

“We need a couple more (Lake) McConaughys someplace” in west and northwest Nebraska to capture water in times of excess flows to use in times of shortages, he said.

However, task force members also recognized that water issues are different from west to east. Carlson said about half the state has water scarcity as a main issue, while the other half has too much water much of the time.

So, water projects must include enhancing the supply and providing flood control.

Carlson specifically mentioned the need to repair a levy near Offutt Air Force Base at Bellevue that nearly failed during 2011 flooding. He cautioned that federal officials could decide that if levy repairs aren’t made by Nebraska, the easiest fix might be to move the base.

He also described how South Platte River floodwaters from Colorado were diverted into Central Public Power and Irrigation District canals and Elwood Reservoir last fall to limit flood damage and recharge groundwater in the Platte and Republican basins. “I’m convinced we’ve done the best we’ve ever done in diverting floodwater. ... We need to do more of that,” Carlson said.

He described water as the lifeblood of Nebraska’s No. 1 industry, agriculture. “The future of agriculture will be OK if we do the right thing with water,” Carlson said.

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Omaha W-H 1-23-14  
Public Pulse

### **Japp stands up to NRD dam promoters**

Speaking with Papio-Missouri River NRD board member Scott Japp, I realized he is very knowledgeable about watershed management and has a common-sense approach.

He will stand against what he believes is not in the best interests of the people and taxpayers. What more can a constituent ask for?

On the other hand, I witnessed an NRD officer get very upset when the people of Washington County said they didn't want his dam.

It appears some good ol' boys don't like this upstart who can't be intimidated. How dare Japp question these all-knowing procurers of dam sites for the developers? Who do they think they are that they can censure our elected board member?

The NRD has used the loss of life in a flood that occurred in about 1960 as an excuse to build the dams. Is this NRD fetish to build these silt traps called dams intended to cover up for making the channel too small, or is it a ploy to justify their existence at the taxpayers' expense?

William Burdess, Fort Calhoun, Neb.

**Pilot Tribune and Enterprise**

# **Fort Calhoun to respond to NRD's motion to dismiss**

Posted: Friday, January 24, 2014 8:14 am

**Fort Calhoun to respond to NRD's motion to dismiss** By Teresa Hoffman Washington County Enterprise and Pilot Tribune | **0 comments**

Attorneys for the City of Fort Calhoun and Mayor Mitch Robinson will have until Feb. 4 to file their response to a motion to dismiss a case filed by the Papio-Missouri River Naturals Resources District (NRD).

The two sides were in Washington County District Court Tuesday for a hearing on the motion, which is one of three pending actions filed by the city and Robinson in response to the NRD's decision last year to merge two Washington County rural water districts.

Robinson said after Tuesday's hearing that attorneys for the city just received the NRD's arguments that day and they needed addition time to respond to them. The city is being represented by Wm. Oliver Jenkins and Benjamin Belmot.

Once the city and Robinson's response is filed, the NRD will have until Feb. 14 to file its response. The case is being heard by District Judge John Samson.

The current case centers on a Petition in Error filed on behalf of the city and Robinson. It alleges a violation of state law and the Nebraska Open Meetings Act in the NRD's action to expand the boundaries.

The NRD's legal counsel, Paul Peters, has said the board followed all the procedures properly with regard to the approval.

In filing the motion to dismiss, Peters argued that the city does not have standing to sue.

Two other cases are also pending in District Court regarding the water merger. The first is a Petition in Error, which seeks an appeal of the NRD's decision to merge Washington County rural water districts 1 and 2, and the other is a complaint asking for an injunction to stop the merger, based on what the city and Robinson allege is a breach of contract.

In December, Samson ruled against the NRD's motions to dismiss in those two cases and said they could go to trial. No date for trial has been set.

## MIDLANDS VOICES

# Midlands Voices: Don't skimp on long-term water needs

*By John Winkler*

*The writer is general manager of the Papio-Missouri River Natural Resources District.*

Water, on one hand, is the most basic building block of all life on Earth and the most necessary resource in Nebraska's No. 1 industry: agriculture. It should be of little surprise then that Nebraska irrigates more acres than any other state in the United States.

Flooding, on the other hand, may be the second most recognizable aspect of water in Nebraska, and it is one of the most destructive forces of nature. Historically, flooding has caused billions of dollars in damage to property and infrastructure as well as tragic loss of life.

The quantity, quality and control of water resources have been issues as old as civilization itself, and they haven't become any easier or less expensive in the 21st century. Water touches every aspect of life in Nebraska and impacts nearly every cent of economic activity in this state.

A highly spirited discussion and thoughtful analysis of water and its uses was conducted last fall by the Water Funding Task Force. The task force was formed by legislation introduced by State Sen. Tom Carlson of Holdrege and passed by the Legislature last year.

Meetings with water users, agency employees and other water-related stakeholders were held across the state, highlighting a variety of issues in a number of river basins and agricultural settings. The Task Force prepared a study to summarize its findings and make recommendations to the Legislature.

As a result of the study's recommendations, a number of proposals have been offered in this legislative session to increase state funding in order to address water quantity, quality and control projects in Nebraska.

Currently, the State of Nebraska funds a little over \$3 million a year to the Nebraska Resources Development Fund, which assists in sharing the cost, with other entities, of vital water-related projects in the state.

This year, at the recommendation of the Task Force, a number of legislative proposals would raise that obligation to \$50 million a year. As with any proposal to raise the amount of taxpayer funds that would be allocated, it is appropriate to have these questions answered: What will the money be used for, and are these needs or simply wants?

To assist in answering those questions, it is worth looking at the sobering numbers discovered by the Water Funding Task Force as they exist today — and what the numbers may look like in the future if the funding status quo remains:

Currently, there are \$35 million of projects approved by the Resources Development Fund that have not been completed. Throughout Nebraska, there are \$488 million of existing projects being tackled without state funding and another \$907 million of proposed projects as identified by the natural resources districts, the state's irrigation districts and Nebraska municipalities. If you take these figures and calculate a modest 3 percent inflation figure, the need quickly balloons to \$1.2 billion over 10 years and \$1.6 billion over 20 years.

A \$3 million-a-year allocation not only is insufficient to address the current projects already under construction but also is woefully inadequate to address the long-term water resource needs identified in the Task Force Study.

Many times we hear the saying that you can't stop all the droughts and all the floods, so why spend the money?

It is true we can't stop all the droughts and floods. However, I liken this thinking to the fact that we can't stop all crime, so why do we spend the money on a police force and a judicial system?

Quite simply, water is a need and not a want. Without water, there is no debate. That's because without water, there is nothing to debate about.

**Link to story Omaha.com**

<http://www.omaha.com/article/20140206/NEWS08/140209194/1678#midlands-voices-don-t-skimp-on-long-term-water-needs>

# Japp mulls run for Legislature

By Teresa Hoffman Washington County Enterprise and Pilot Tribune - Thursday, February 6, 2014

Arlington resident Scott Japp said this week he is considering a run for the Nebraska Legislature.

Japp, who currently serves on the board of directors for the Papio-Missouri River Natural Resources District, said he will decide by the end of next week if he will join incumbent Lydia Brasch for the District 16 seat, which includes Washington, Burt and Cuming counties.

Brasch filed for re-election in January.

Japp said his interest in running for the Legislature came after he was contacted by a representative from a group calling itself "Nebraska Concerned Citizens for District 16" asking him to participate in a survey to be sent out to area residents to gather input on candidates.

Japp would not give the name of the person who contacted him. Carl Lorenzen of Blair was also contacted by the group. Lorenzen is allowing his name to be used for the survey, although he said he has no plans at this time to run.

Neither Japp or Lorenzen had much information about the survey or the group.

Because he is a current elected office holder, Japp would have to file for the election by the Feb. 18 incumbent deadline. The non-incumbent filing deadline is March 3.

Japp, who was elected to his second term on the NRD board in 2012, said he's considering a run because he believes it's a better way to serve his constituents.

"I think I can better serve the constituents if I spend more time in Lincoln and the way to spend more time in Lincoln is to be a state legislator," Japp said.

Among the issues he said he would fight for are protecting individual property rights and water rights, reducing taxes and limiting government spending.

He said there's currently a lot of "lip service out of Lincoln" about reducing spending, but not much being done to lower it.

"We put caps and lid limits on local governments, however, there is nothing on state government and we've been increasing state spending," he said.

One of the areas that needs to be addressed, he said, is welfare spending.

"If we have an increase in welfare spending, then we are not doing something right to increase economic development," he said. "If we have economic development and people have jobs, there is no reason to increase welfare spending."

In deciding whether to run, Japp said he will have to consider how much time it takes to be a state senator and what it will mean to his job as an independently-contracted construction supervisor.

While Lorenzen said there's a "laundry list" of concerns about how issues are being handled on the state level, he can't see himself running for office again.

Lorenzen had run twice before for the Legislature — in 2008 when there were two years remaining on the seat after former state Sen. Mick Mines resigned, and then again in 2010. The seat he was running for was in District 18, which included the Blair and Fort Calhoun areas of Washington County, along with a portion of northern Douglas County and northwest Omaha. After redistricting in 2011, Blair and Fort Calhoun were moved to District 16, which now includes Washington, Burt and Cuming counties.

"I don't know if my wife and I want to go through that again," Lorenzen said of an election.



## **NRD punishing me for dissent on dam**

Benjamin Franklin once said: "We must all hang together, or assuredly we shall all hang separately." This quote is a fitting way to describe the current nebulous crusade against me by the Papio-Missouri River Natural Resources District board.

And for what? Simply telling the truth about government? Since when should this get anyone in trouble?

The board is deliberately discouraging dissent and trying to coerce landowners into accepting less than the best-use price for their land. The only people I represent who could gain anything from the company in question are my constituents who receive fair compensation for the best uses of their land.

A conscientious board member cannot stand idly by and allow a governmental agency to threaten and abuse landowners with false and misleading information. I believe all landowners should be offered the same amount for their land with regard to this dam project.

The board's ad hominem attacks on me appear to be retaliation for blowing the whistle on its apparent mismanagement of the public trust. Since I have not voted for any portion of the project in question, I do not have a conflict of interest.

Scott Japp, Arlington, Neb.

Lincoln Journal Star, February 8, 2014

## Local View: Why we need \$50 million for water

By JOHN WINKLER

Water, on one side of the coin, is the most basic building block of all life on earth and the most necessary resource in Nebraska's number one industry, agriculture.

It should be of little surprise then that Nebraska irrigates more acres than any other state in the United States of America.

Flooding may be the second most recognizable product of water in Nebraska and is one of the most destructive forces of nature. Historical flooding has caused billions of dollars in damage to property and infrastructure as well as tragic loss of life. The quantity, quality and control of water resources has been an issue as old as civilization itself, and it hasn't become any easier or less expensive in the 21st century.

Water touches every aspect of life in Nebraska and controls nearly every cent of economic activity in this state.

A highly spirited discussion and thoughtful analysis of water and its uses was conducted earlier last fall by the Water Funding Task Force which was formed out of legislation introduced by Sen. Tom Carlson and passed by the legislature last year.

Meetings with water users, agency employees and other water-related stakeholders were held across the state, highlighting a variety of issues in a number of river basins and agricultural settings. The task force prepared a study to summarize its findings and make recommendations to the Legislature.

As a result of the study's recommendations, a number of legislative proposals have been offered in this legislative session to increase state funding in order to address water quantity, quality and control projects in the state of Nebraska.

Currently, the state of Nebraska funds a little over \$3 million dollars a year to the state's Resources Development Fund, which assists in sharing the cost, with other entities, of vital water-related projects in the state.

This year, at the recommendation of the task force, a number of legislative proposals would raise that obligation to \$50 million dollars a year. As with any proposal to raise the amount of taxpayer funds that would be allocated to fund it, it is appropriate to have the questions answered: What will the money be used for, and are these needs or simply wants?

To assist in answering that question, here is a look at the sobering numbers discovered by the Water Funding Task Force as they exist today and what those numbers may look like in the future if the funding status quo remains the same: Currently, there are \$35 million dollars of projects approved by the Resources Development Fund that have not been completed. Throughout the state of Nebraska, there are \$488 million dollars of existing projects and \$907 million of proposed projects as identified by the Natural Resources Districts, the state's irrigation districts and Nebraska municipalities.

If you take these figures and calculate a modest 3 percent inflation figure, the need quickly balloons to \$1.2 billion over 10 years and \$1.6 billion over 20 years.

A \$3 million-a-year allocation is not only insufficient to address the current projects already under construction but is woefully inadequate to address the long-term water-resource needs identified in the task force study.

Many times we hear the saying, you can't stop all the droughts and all the floods so why spend the money? This is true. We can't stop all the droughts and floods.

However, I liken this mentality to the fact we can't stop all crime so why do we spend the money on a police force and a judicial system? Quite simply, water is a need and not just a want. Without water there is no debate, because without water, there is nothing to debate about.

***John Winkler is general manager of the Papio-Missouri River Natural Resources District in Omaha.***

# More funding needed for water projects

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JOHN WINKLER  
PRMRNRD

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**A \$3 million-a-year allocation is ... woefully inadequate to address the long-term water resources needs**

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**JOHN WINKLER** is general manager of the Pappio-Missouri River Natural Resources District.



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# NRD says \$24 million FEMA bill looms

By Eugene Curtin  
 Leader Staff Writer

An 18.5-mile levee system that protects southeast Bellevue, Offutt Air Force Base, a new bridge over the Missouri River and a portion of the Kennedy Freeway south of Capehart Road must get \$24 million in improvements or be considered obsolete.

John Winkler, general manager of the Pappio-Missouri River Natural Resource District, said the Federal Emergency Management Agency has mandated that the levees be increased in height at specific points by between one and two feet.

The height increase will require the base of the levees to be broadened, he said, causing the overall project to cost \$24,170,000, a cost that will not be shared by FEMA.

The levees protect 6,677 acres of developed and undeveloped land.

Winkler said levee improvements are being mandated throughout the nation as FEMA applies lessons learned from the flooding of New Orleans in 2005. Failure to meet the enhanced standards will cause the federal agency to redraw its floodplain maps, Winkler said, with non-complying levees deemed non-existent.

That would officially place Offutt Air Force Base in a floodplain, he said, killing any hope of attracting new missions to the base and putting its existence in jeopardy.

Winkler said the mandate seems unreasonable given that the existing levees stood strong in 2011.

"We went to FEMA and said, 'Listen, this system worked in 2011 with a hundred-year event, and lasted for four months,'" he said. "But they don't care."

FEMA cares only that the levees comply with its new standards, Winkler said.

He said a bill pending in the Nebraska Legislature would assign \$50 million a year to water protection issues, and that \$10 million of the first year's allocation would help fund the Bellevue-area levee improvements.

The remaining \$14 million would be split between the city of Bellevue, Sarpy County, the NRD and, possibly, the U.S. Department of Defense, Winkler said.

Hope that the FEMA mandate can be made less severe exists, and Bellevue Mayor Rita Sanders is scheduled to make a trip to Washington, D.C., this week to make the case to federal officials.

"There should be some credit for levee sys-

tems that have been tested and functioned," Winkler said. "To say they don't exist is not accurate. They do exist, and they worked. We have to get credit for that."

Although FEMA has not yet formally ordered the improvements, Winkler said the agency has

approving existing levees or improving them.

"I know I don't want to be the one sitting in a room full of people explaining why they had to close Offutt Air Force Base," Winkler said. "That would not be a pretty meeting."



*Continued from Page 1*

told the NRD they need to be made. The formal order could come at any time, he said.

He said the NRD board began preparing for the improvements about 2009, and the engineering work is already complete.

All that remains, he said, is to secure funding for construction.

Winkler said it is inconceivable that money will not be found to protect a military installation that generates about \$2.5 billion of economic activity in Nebraska.

"It's one of those things that you have to do," he said. "It's just a matter of figuring out who's going to pay what."

There's no question, he said, that Offutt will be taken out of the floodplain — whether by