

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager's Report

DATE: May 2, 2014

FROM: John Winkler, General Manager



A. **INFORMATION/EDUCATION REPORT:** The Information and Education Report detailing the department's activities for the month of April, 2014 is attached for your review.

B. **PERSONNEL/MISCELLANEOUS ITEMS:**

1. The District has received a resignation letter from Linda Ellett, NRCS District Secretary, who is planning to retire from the District on May 16, 2014. Sonya Carlson, District Receptionist, will be laterally transferred to this position and the position of District Receptionist will not be filled at this time.

2. The District held an Electronic Recycle event in Blair, Tekamah, Walthill, and Dakota City during the month of April, 2014. Just over 63,000 pounds of electronic equipment was collected. Many thanks go out to staff members Deb Ward, Justin Novak, Darlene Hensley, Ryan Johnson, Teresa Murphy, Denny Piper, Lowell Roeber, Lance Olerich, Bill Woehler, Wally Juhlin, Kelly Fravel, Jon Krause, Zach Nelson, Marty Thieman, and Terry Schumacher for making this a successful event!

3. The District received an email from Dale Comer, Assistant Attorney General for the State of Nebraska, regarding Director Japp's May 2, 2014, request for information regarding the Lower Platte River Basin. Mr. Comer's email, as well as Director Japp's original request to staff, is attached for your review.

4. The District will be recognized at the Greater Omaha Chapter, National Safety Council Awards Luncheon on May 29, 2014, receiving the Safest Companies Award. I would like to acknowledge the work of our Safety Committee Coordinator, Heather Borkowski, and the members of the P-MRNRD Safety Committee: Sonya Carlson, Ross Hoppock, Randy Lee, Pat McEvoy, Lance Olerich, and Kyle Winn.

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 April, 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 April 14, 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 minutes from the April Papillion Creek Watershed Partnership are attached for your review. The next Partnership meeting is scheduled for May 22, 2014
- F. **NEWS CLIPS**:
- ✓ April 14, 2014, Omaha World Herald article, Watershed plan picks two Sarpy County Reservoirs as priorities
 - ✓ April 17, 2014, Omaha World Herald article, Gov. Heineman signs water bill, sponsor calls it “landmark legislation”
 - ✓ April 17, 2014, McCook Daily Gazette editorial: Water-funding bill represents good start
 - ✓ April 17, 2014, Washington Co. Enterprise article, NRD: No plans to build reservoir in county
 - ✓ April 18, 2014, Washington Co. Enterprise article, Japp also concerned about tax on irrigated land
 - ✓ April 18, 2014, Omaha World Herald Public Pulse, Next up: Make irrigation more efficient
 - ✓ April 18, 2014, Omaha World Herald Public Pulse, Forget that fish; focus on flooding
 - ✓ April 25, 2014, Washington Co. Enterprise article, County to send letter opposing construction of dam, irrigation tax
 - ✓ April 25, 2014, Washington Co. Enterprise article, What’s really going on with our water?
 - ✓ April 28, 2014, Omaha World Herald article, Higher costs force scaling back of Thompson Creek project
 - ✓ April 28, 2014, Omaha World Herald article, State seeks higher Sarpy County farmland valuations
 - ✓ April 29, 2014, Washington Co. Enterprise article, Judge takes NRD motion for new trial under advisement
 - ✓ April 29, 2014, Burt Co. Plaindealer article, Talking Trees
 - ✓ May 2, 2014, Blair Enterprise Letter to the Editor, PMRNRD distorts facts, Matt Japp
 - ✓ May 5, 2014, Omaha World Herald Editorial, Steady hands against floods

April, 2014 Information/Education Report

Information

- Scheduled John Winkler to appear on Mom's Everyday interview program on WOWT-TV -May 8th, 8:55 a.m.
- Scheduled NRD Information Campaign video spots to run at local theaters in May
- Distributed news releases
- Updated web site
- Updated Facebook page
- Began preparation of I&E budget
- Continued work on Spring Spectrum Newsletter
- Continued photo archiving of slides and prints
- Helped staff Earth Day Omaha booth

-

Education:

April Programming Schedule:

- 4/2- Morton Elementary- Animal Adaptations- 125 students (Pre-K)
- 4/3- Boy Scout-GPS/Geocaching—15 Boys
- 4/4- Field Club Macroinvertebrates--43 students (5th Grade)
- 4/7- Omaha Public Library- Reptiles- 15 children and parents (Pre-K)
- 4/7- Blumfield Elementary Green Club- 26 students (3rd-4th grade)
- 4/8- Morton Nature Club- Planting- 21 students (1st-5th grade)
- 4/9- Field Club Elementary- Surface/Groundwater- 43 students (5th grade)
- 4/10- Upchurch Elementary- Nature Hike/Owls- 41 students (3rd grade)
- 4/11- Benson West Elementary- Owl- 65 students (1st grade)
- 4/14- Sandoz Elementary- Habitats- 67 students (1st grade)
- 4/15- Upchurch Elementary- Geocaching/Owls- 72 students (3rd grade)
- 4/16- Outdoor Discovery Program NGPC- Owls- 85 students (5th grade)
- 4/17- Washington Elementary- Reptiles/Owls- 43 students (1st grade)
- 4/17- Teacher Tree Pickup
- 4/18- Castelar Elementary- Skulls/Pelts/Scat- 59 students (4th grade)
- 4/18- Teacher Tree Pickup
- 4/19- Earth Day Omaha- Booth (giving away seedlings)
- 4/21- Field Club Elementary- Trees- 110 students (3rd grade)
- 4/22- Creighton University- Teacher Pre-service PLT/WET/WILD- 4 students
- 4/23- Westgate Elementary- Trees- 67 students (K)
- 4/24- Creighton University- Teacher Pre-service PLT/WET/WILD- 4 students
- 4/25- Wake Robin Elementary- Nature Hike/Animal Program- 46 students (K)
- 4/28- Brownell Talbot- Trees- 37 students (K)
- 4/29- Rohwer Elementary- Trees- 88 students (4th grade)
- 4/30- Gretna Elementary- Animal Adaptations- 75 students (2nd grade)
- 4/30- Master's Elementary- Trees- 23 students (2nd grade)

Meetings/Training:

Children and Nature Network Regional Contact Conference Call
Community of Practice Conference Call
Water Works Steering Committee Meeting
World O! Water Steering Committee Meeting

Word Press Calendar Training

Planning:

Spring/Fall Nature Nights

Spring Field Trips and Programming

Spring Tree Delivery

Summer Day Camps: Registration/Confirmation e-Mails

Water Works Festival Presenters/Teacher Correspondence/Packets

Earth Day Omaha Coordination

Education Trailer Wrap

Great Park Pursuit Description/location write-up

Update MORE Nature Website

NASP Supplies/Camp

Outdoor Classroom Grants

Mr. Japp:

Under the Nebraska Public Records Statutes, a public body is required to respond to a written request for public records in some fashion within four business days after receipt of the request. If the records request seeks voluminous records or requires a search for records, then the public body may take a reasonable amount of time to collect the records for review or copying in addition to the initial four-day response period.

From your email, you apparently made your records request to the PMNRD today, Friday, May 2. Consequently, the NRD is not statutorily required to respond to you until Thursday, May 8. If your request involves voluminous records or the necessity for a search (as appears to be the case), then the NRD can take a reasonable amount of additional time to provide copies of records. For all those reasons, it does not appear that the NRD is legally required to respond to your records request by next Tuesday under the Public Records Statutes.

As I have explained to you in other communications, this office only has enforcement authority under the Public Records Statutes, and whatever additional rights you may have to examine the NRD records as a director of the NRD or as a public official are outside our review.

-- D. Comer

Dale A. Comer
Assistant Attorney General
Chief, Legal Services Bureau
Nebraska Department of Justice
2115 State Capitol
P.O. Box 98920
Lincoln, NE 68509-8920
(402) 471-2940
dale.comer@nebraska.gov

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-----Original Message-----

From: Scott Japp [<mailto:sjapp@abbnebraska.com>]
Sent: Friday, May 02, 2014 10:03 AM
To: Comer, Dale
Subject: Mr. Comer

Mr. Comer

This coming Tuesday on May 6th there is a hearing at the PMNRD board meeting. I requested documents on behalf of other governmental agencies and effected persons in my area in preparation to the public hearing. Mr. Winkler is refusing to provide me as a directors, governmental officials and effected person requested public information so we can prepare for this hearing.

I would like you to contract me Mr. Winkler at the PMNRD office immediately.
Contact information jwinkler@papionrd.org or 402 444 6222 to remedy this situation

Below is Mr. Winkler's responds and excuses not to provide public information for next weeks hearing.

Please contact me at 402 639 6653
Thanks, Scott Japp

----- Original Message -----

From: "Winkler, John" <jwinkler@papionrd.org>

To: "Japp, Scott" <sjapp@abbnebraska.com>

Cc: "Papio Directors" <Papio_Directors@papionrd.org>; "Henkel, Brian" <bhenkel@papionrd.org>; "Petermann, Marlin" <mpetermann@papionrd.org>; "Peters, Paul" <ppeters@papionrd.org>; "Tait, Jean" <jtait@papionrd.org>

Sent: Friday, May 02, 2014 9:15 AM

Subject: Re: Basin Coalition

Director Japp:

Quite simply your accusations of being denied information and the public being denied information by me, staff or the District are completely false.

In fact I have had a number of conversations with the Attorney General, Auditor, Secretary of State etc. etc. that verify the fact that we follow the law and we have never withheld anything from anybody. In fact they are quite impressed with our operation and our ability to respond professionally to the many challenging issues and people we are required to serve.

As you are aware it is my duty to ensure the District is operating efficiently and that we are not "wasting" resources. As you are also aware, per statute, any request for documents that are not readily available or would require time to gather said information; the District is to give a reasonable time period to collect, review and disseminate to the requesting party.

Therefore, we have not determined how long it will take to simply "push a button" to acquire the requested information for you. Once we have that estimate we will inform you and then provide you with the documents.

Consequently, at the present time there is no cd of information to give you.

However, we will provide you with the information as soon as we can in relation to the completion of normal duties...

Any time you would like a briefing on the improvement of operation of this NRD please let me know. This Team has saved the taxpayers hundreds of thousands and millions of dollars in

improved efficiency and effectiveness.

In addition, I can give you a long list of references that will verify this District is responsive and operates the right way.

Thank you and as always have a pleasant day.

Regards,

John Winkler

On May 2, 2014, at 8:09 AM, "Scott Japp" <sjapp@abbnebraska.com> wrote:

John

I and others need this public information before Tuesday board meeting and the public hearing. If you are not going to provide necessary public information then you should cancel the public hearing on the Basin Coalition for next week until the public has a chance to review all requested public documents! Denying the public records is a violation of State Statutes. I can obtain them during business hours. Do you want me to come to the office today and pick up the CD of the requested public information? You have a staff of 50 people that one of them that does not have 5 minutes out of the day to send on e-mail. What kind of an operation are you running that a press of a button an e-mail can not be sent out? I suggest you have staff work their full working hours in their day instead of you sending NRD employees home early and numerous employees attending the same meetings as I have observed many times.

Director Scott Japp

----- Original Message ----- From: "Winkler, John"

<jwinkler@papionrd.org>

To: "Japp, Scott" <sjapp@abbnebraska.com>

Cc: "Henkel, Brian" <bhenkel@papionrd.org>; "Papio Directors"

<Papio_Directors@papionrd.org>

Sent: Friday, May 02, 2014 7:28 AM

Subject: Re: Basin Coalition

Brian:

Due to your normal work duties please give me an estimate of the time to assemble the requested information. Do not begin assembling the data until a schedule is provided to the time and duration and prioritization of workload.

Thank you.

Sent from my iPhone

On May 2, 2014, at 6:54 AM, "Scott Japp"

<sjapp@abbnebraska.com<<mailto:sjapp@abbnebraska.com>>> wrote:

Send me an e-mails with all contracts, agreements, public notices, RFPs and interlocal agreements regarding the Lower Platte River Basin Coalition.

Scott Japp

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

April, 2014

Date	Project Name	Item / Task	Company	Cost
4/1-30/2014	Project Maintenance	Rip Rap	Martin Marietta	\$27,373.56
4/24/2014	Electronic Recycling	Recycling of electronic equipment	Secure Recyclers	\$7,403.40
4/22/2014	Chalco Hills	Wire fence and parking lot repairs	Elkhorn Fence Company	\$13,094.00
4/23/2014	West Branch Channel Project 84 th – 96 th Street	Relocate trees and shrubs off levee zone	Lanoha Nurseries	\$8,320.00
4/29/2014	Thompson Creek Levee Improvement Project	Four Right-of-Way appraisals	Thomas E. Stevens	\$8,500.00

Updated: April 14, 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 (P)
- **Big Papio:** (Cleveland)
 - Interlocal Agreement with Papillion & La Vista & SIDs on Fricke Drainage (W)
 - ★ Interlocal Agreement with La Vista on Thompson Creek Sewer Relocation (W)
- **West Branch:** (Cleveland)
 - Land Exchange with Sarpy Co. (96th St.) (P)
- **Western Sarpy Dike:** (Cleveland)
 - ★ Saunders County side ROW agreement and easements (W)
 - NRDs/NE-ARNG Interlocal for Camp Ashland Property (P)
- **Floodway Purchase Program:** (Laster)
 - ★ Agreement with MAPA for King Lake Buyout 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)
- **Other:**
 - Review Letter of Intent/PA with Heritage for West Glacier Creek Property (N) (Grint)

MONTHLY UPDATE

April 2014



A Partnership meeting was held on April 24, 2014 at 10am at the NRC Building. Minutes are updated regularly on the Partnership's website: www.papiopartnership.org.

Interlocal Agreement

The Interlocal Agreement for continuation of the Partnership is set to expire on June 30, 2014 and a revised interlocal has been approved by the Partnership as a recommendation that will be presented to each Partnership member's Board or Council. Revisions to the agreement include the new Implementation Plan as presented in the HDR report, updated Watershed Fee schedule, and inclusion of the draft SWMP.

The group discussed the plans and dates for presenting the information to their respective Boards or Councils.

It was determined that Planning Board approval was necessary for most entities prior to council approval.

The Papio NRD Board approved the interlocal agreement at their April 2014 Board meeting.

The City of Omaha will be presenting the interlocal agreement to Planning Board on May 7th and expect the item to be on Council in June.

La Vista noted that they will take the interlocal agreement to Planning Board and then Council at the second June meeting.

Papillion anticipates the interlocal agreement will be on their May 28th Planning Board and at Council on June 17th.

Sarpy County is expected to have the interlocal agreement on the May 20th Planning Commission agenda.

CBI Systems Software Annual Maintenance Fee:

The Partnership members approved the yearly hosting fee, \$15,279.00, for the CBI Systems MS4Web software used to track MS4 permit activities. The motion was made by Mark Stursma and seconded by John Kottman. All in attendance, La Vista, Omaha, Papillion, Sarpy County, and the PMRNRD voted in favor. Ralston voted by proxy in favor of the yearly maintenance fee.

Jim Kee noted that a training was held in February for all the Partnership communities and if anyone is having any issues to contact him. The instructor from CBI is available on call for one year as part of our agreement.

Next Meeting:

The next Partnership meeting will be May 22, 2014 at 10 am at the NRC building.



Watershed plan picks two Sarpy County reservoirs as priorities

By Cody Winchester / World-Herald staff writer

The Papio-Missouri River Natural Resources District has identified two reservoirs planned for Sarpy County as its priority projects in the next five years.

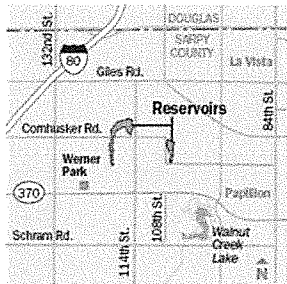
Thursday, the district board voted 8-1 to approve an updated watershed management plan that calls for building two reservoirs along Cornhusker Road — one at 114th Street, the other at 108th Street — by 2018.

Scott Japp, a board member who represents Washington County and parts of Burt, Thurston and Dakota Counties, voted no. Board members Rich Tesar and Tim Fowler were absent.

The new reservoirs, in tandem with a larger reservoir under construction nearby, will reduce the risk of catastrophic flooding on the west branch of Papillion Creek, said Amanda Grint, a water resources engineer at the district. The estimated cost to build both dams is \$18 million.

PLANNED RESERVOIRS

A pair of Sarpy County reservoirs are the near-term priority for the Papillion Creek Watershed Partnership



The watershed plan is attached to an agreement that still needs to be approved by the other eight members of the Papillion Creek Watershed Partnership: Sarpy County and the Cities of Omaha, Bellevue, Boys Town, Gretna, La Vista, Papillion and Ralston.

Assuming the plan is approved, “We’ll start preliminary design (on the two reservoirs) next year,” Grint said.

The Papillion Creek Watershed Partnership was formed in 2001 to coordinate flood control efforts among its members.

Its first watershed plan, approved in 2009, envisioned building a number of dams and detention basins over a 50-year period. Since then the district has begun work on three major projects carrying a combined cost of \$83.9 million:

- » Prairie Queen Reservoir near Werner Park in Sarpy County, scheduled for completion this summer.
- » Dam Site 15A at 168th and Fort Streets. The district still is acquiring land rights for this project.
- » A \$4.2 million basin upstream from Zorinsky Lake, under construction now.

The updated agreement, which will be revisited every five years, proposes to spend \$260 million over the next 35 years on a dozen new reservoirs and eight water-quality basins.

Two-thirds of the cost will be borne by the natural resources district, through bond debt and tax revenue. One-third will come from fees that developers pay to build homes and businesses within the watershed.

Under the plan, developer fees would rise 2.5 percent each year to account for inflation. The current fee of \$750 per lot for a single-family residential development, for example, would rise to \$908 by 2018.

“We're not trying to cash in with higher fees,” said Lyle Christensen, a project manager at HDR Inc.

The watershed partnership hired HDR last summer on a \$100,000 contract to update the fee structure and analyze development patterns.

The district has only about \$10 million of bonding authority left after financing several large projects with new debt. So district managers are recommending paying for the work with existing tax revenue and keeping the district's levy at 3.275 cents per \$100 of valuation.

The board will decide how and whether to spend the money when it sets its budget later this year.

Gov. Heineman signs water bill; sponsor calls it 'landmark legislation'

By Martha Stoddard / *World-Herald Bureau*

LINCOLN — Gov. Dave Heineman signed legislation Wednesday that takes major steps to address water scarcity, water surpluses and water quality across the state.

Legislative Bill 1098 provides ongoing state funding for water projects and revamps the Natural Resources Commission to oversee the funding's allocation.

The bill also requires the three natural resources districts in the Republican River valley to work with state officials on developing a basin-wide water management plan.

State Sen. Tom Carlson of Holdrege, who introduced the measure and was chairman of a legislative study panel last summer, called the bill “landmark legislation.”

“This is the most significant bill for agriculture and livestock production in my eight years in the Legislature,” he said.

Sen. Mark Christensen of Imperial joined the governor and Carlson at the bill signing Wednesday.

Christensen, whose district includes most of the Republican River basin, called the bill a “great opportunity” for groundwater and surface water users to work together on positive solutions.

Sen. Steve Lathrop of Omaha, who pushed for the basin-wide planning, praised the resulting legislation for its comprehensive approach to water issues. He said the planning process will bring a focus to sustainability of water use, not just maintaining compliance with a multi-state compact governing Republican River water.

“I think there's some good policy in there,” he said.

LB 1098 will distribute about \$32 million over the next two years, plus \$11 million a year in the future, for projects to conserve, store and manage water for human and livestock consumption, irrigation, industrial uses, wildlife habitat and recreation.

Some money also could be used for water research.

Up to \$1.1 million a year will go toward Omaha's federally mandated sewer separation project, and some funding will be used to upgrade the levee that protects Offutt Air Force Base from Missouri River flooding.

Because LB 1098 takes effect immediately, Heineman said he is seeking applicants to fill the newly created seats on the Natural Resources Commission.

Representatives of the following areas are needed: agriculture, agribusiness, irrigation district, manufacturing, outdoor recreation, public power district, public power and irrigation district, range livestock owner, wildlife conservation interests and a Lincoln resident with interest in water issues. Existing commission members represent NRDs, the Omaha metro area and smaller communities.

Interested people can call the Governor's Office, 402-471-2244, or go online to www.governor.nebraska.gov to get an application form. The application deadline is May 6.

McCook Daily Gazette editorial: Water-funding bill represents good start

This editorial originally appeared in the McCook Daily Gazette.

Native Americans called our region “flat water” when, after being pushed westward by European settlers in the 18th century, they encountered the Platte River.

In 1714, French explorer Étienne de veniard, sieur de Bourgmont adapted the Otoe or Omaha word and called it the “Nebraskier River,” a name later applied to the state.

Three centuries later, water continues to be a central issue for our state. And for the past half century or more, fair and effective ways to use that resource remain as mysterious as the land was for the first explorers.

The Legislature had a good opportunity to bring some order to what has been a piecemeal, chaotic issue over the decades.

Like most successful legislation, there are some things about Legislative Bill 1098 that neither side likes.

Sen. Tom Carlson, a Republican candidate for governor, sponsored the bill after leading a state water sustainability task force last summer.

The bill is expected to generate \$32 million for a new water sustainability fund by next year. It also expands the Natural Resources Commission from 16 members to 27 to involve more stakeholders such as groundwater and surface-water irrigators, cities, public power districts and wildlife conservation groups.

It requires natural resources districts and the state to work together on river-basin management plans.

As Sen. Steve Lathrop of Omaha said, the bill requires the many different groups to get together to work out a solution.

Outstate interests are unhappy with a provision that sets aside 10 percent of the state’s annual water funding for an Omaha sewer upgrade, mandated by the federal government.

Gov. Dave Heineman and others have argued that Nebraska shouldn’t have to pay for Omaha’s problem. Eastern interests, however, may argue that they shouldn’t have to pay for problems with the Republican River.

And Southwest Nebraskans counter that the state signed the 1943 Republican River Compact with Kansas and Colorado, making it a statewide issue.

A perfect solution? Of course not. We’d rather see even more unified control of the Republican River basin, perhaps even across state lines.

But LB 1098 seems like a good step in the right direction.

NRD: No plans to build reservoir in county

Posted: Thursday, April 17, 2014 1:54 pm | Updated: 8:35 am, Fri Apr 18, 2014.

NRD: No plans to build reservoir in county By Teresa Hoffman Washington County Enterprise and Pilot Tribune | 0 comments

The general manager for the Papio-Missouri River Natural Resources District (NRD) said they aren't planning to build a dam on the Bell Creek near Arlington.

"It was an example of a project that could fit," said John Winkler, of an objective in the NRD's Voluntary Integrated Management Plan that addresses management of the overall water supply to a region and improving the reliability of that supply.

A draft of the plan was presented at the April 10 meeting of the NRD board of directors.

An action item in the plan that reads "evaluate the potential for storage and re-timing reservoirs on area watersheds, including Bell Creek" has NRD board member Scott Japp believing that if the plan passes, the NRD could build a dam along the Bell Creek, something he is against.

In an email sent by Japp to the Enterprise earlier this week, he writes, "The PMNRD wants to build a dam on the Bell Creek. This dam is for a water timing project. It is to store water, then when the stream flow on the Platte River is low, then you release the water so the MUD water well fields have water."

He went on to say that at the meeting the staff said they did not know the location of the dam, but said it has a 2,200-acre lake.

Japp's opposition to NRD dam projects is well known to his fellow board members and NRD staff. The Washington County representative's contentious relationship with the board and staff is also recognized, and this latest issue is another example of that, Winkler said.

He said Japp is taking the wording of that action item out of context and sensationalizing it, and he even suggested it's politically motivated.

Japp is in his second term on the board and is running for the District 16 seat for the Nebraska Legislature.

"There is no plan to build any reservoir on the Bell Creek," Winkler said, pointing out that funding has not been discussed and a vote to approve it has not come up.

Winkler said the Voluntary Integrated Management Plan is a tool to make sure there is a sustainable water supply through the district.

"This particular plan only addresses the lower Platte River in our district," Winkler said. "It does not include any part of the northern county."

The plan, Winkler said, is not only an important way to address water issues, but also allows the NRD to keep control of the process. If the board does not approve a plan, Winkler said, the state or federal government could come in and create a plan for them.

"We can dictate how we use our water and not have the state or federal government govern how we do it," he said.

The sentence mentioning Bell Creek is one of many objectives and action items listed in the 44-page plan.

Winkler said he never thought using the Bell Creek example when talking about the evaluation for storage and re-timing reservoirs would be taken out of context.

"In a plan like this you give all options," he said. "Some stink; some are good. You lay them out."

Japp said information presented during a meeting Tuesday that included representatives from several area natural resources districts, which he attended, also leads him to believe that a Bell Creek project could be done. At that meeting, an engineering firm was selected for the group's conjunctive use management plan.

But, Winkler said that action was taken in association with the development of a basin wide management plan.

"Their job will be to assist with a basin-wide management plan," he said. "They will study and review and evaluate options for sustainable water, period. Not to build a reservoir."

Japp said he would like to see references to Bell Creek, and an occupation tax, which he is also opposed to, removed from the Integrated Management Plan, which is something Winkler said has been discussed.

"If they would make a statement that if we adopt an INP and there would be no storage timing reservoirs within Washington County and we do not implement an occupation tax in all the areas of the entire six, I would maybe be more receptive to the INP."

Winkler said when the plan is finalized, action item 1.3.1 in objective 1.3 will read, "Evaluate the potential for storage and re-timing reservoirs on area watersheds."

A public hearing on the Voluntary Integrated Management Plan will be held at the next NRD board meeting May 8 in Omaha. The meeting will begin at 7 p.m.

Japp also concerned about tax on irrigated land

Posted: Friday, April 18, 2014 8:34 am | Updated: 8:35 am, Fri Apr 18, 2014.

[Japp also concerned about tax on irrigated land](#) By Teresa Hoffman Washington County Enterprise and Pilot Tribune | [0 comments](#)

In addition to being worried about a dam along Bell Creek, Scott Japp of Arlington, member of the Papio-Missouri River Natural Resources District, is also concerned about the implementation of a \$10 occupation tax on irrigated land.

According to a draft of the Voluntary Integrated Management, the NRD wants to evaluate the need for an occupation tax on irrigated acres pursuant to state statute.

While they have the right to do so, John Winkler said there is no plan to implement an occupation tax. Winkler, general manager for the NRD, said the information is included in the plan because it is one of the many ways a project can be funded, not because it is something they plan on doing at this time.

"To say that we are issuing one is a lie, total fabrication," Winkler said.

"As it is written, they have the ability to issue a \$10 per acre occupation tax on all irrigated land and to build timing reservoirs," Japp said. "It provides the funding to pay for the reservoirs."

Omaha World-Herald 4-18-14

Next up: Make irrigation more efficient

Congratulations, Nebraska lawmakers, for not squandering the opportunity to fund vital water and flood-control projects in the state (April 17 World-Herald).

This funding not only will assist in ensuring a safe and reliable supply of water but also will protect vital infrastructure, such as Offutt Air Force Base, and help comply with unfunded federal mandates and interstate compacts. A good start.

The next order of business: Focus on water efficiencies such as retiring the use of inefficient forms of irrigation, which can use three times the amount of water necessary to irrigate an acre.

George Nielsen, Omaha

Forget that fish; focus on flooding

Misinformed environmentalists are convincing Congress to provide habitat for the pallid sturgeon by allowing the Army Corps of Engineers to change the original management manual for the Missouri River and flood thousands of acres, causing billions of dollars in damage to farmland, railroads and Interstates during several years, including during the 2011 flood. Why?

The pallid sturgeon has a close relative, the shovelnose sturgeon — virtually the same fish — which is surviving very well.

Congress needs to force the corps to change the manual back to the original intent for management of the six dams: flood control, hydroelectric power and navigation. Period.

Will the ecosystem suffer from loss of the pallid sturgeon? No. But it would from the loss of the honeybees, which are diminishing and are responsible for pollinating 33 percent of the food we depend on in this country. Not many people would even know if the pallid sturgeon disappeared.

I suggest our government stop costing taxpayers billions of dollars trying to save a fish that 95 percent of the population knows nothing about and direct those efforts toward providing for the people of this country.

And keep us off the endangered species list.

E.J. Foral, Springfield, Neb.

County to send letter opposing construction of dam, irrigation tax

Posted: Wednesday, April 23, 2014 1:52 pm | Updated: 3:57 pm, Thu Apr 24, 2014.

County to send letter opposing construction of dam, irrigation tax By Katie Rohman Washington County Enterprise and Pilot Tribune | 0 comments

The Washington County Board of Supervisors is drafting a letter to send to the Papio-Missouri River Natural Resources District (PMRNRD) expressing opposition to any plans to build a dam on Bell Creek as well as a tax on irrigated acres.

Chairman Jeff Quist, District 5, Blair, and Vice Chairman Steve Kruger, District 6, Arlington, met with the Bell Creek Drainage District recently to discuss the NRD's Voluntary Integrated Management Plan (IMP). The document addresses management of the water supply. A draft of the plan was presented to the NRD board of directors April 10.

The plan includes an action item that reads: "evaluate the potential for storage and re-timing reservoirs on area watersheds, including Bell Creek."

"We certainly don't want acres of land taken off the tax roll at this time," Kruger said at the county board meeting Tuesday.

Another action item in the plan calls for the evaluation of an occupation tax on irrigated acres as a potential way for the PMRNRD to fund programs or projects related to water resource management.

"I really don't want the NRD to start taxing everyone in the county with irrigation," supervisor Ron Hinline, District 7, Fort Calhoun, said.

John Winkler, general manager of the PMRNRD, told the Enterprise last week that there are no current plans to build a dam on Bell Creek. Winkler claimed he never thought using the Bell Creek example when talking about the evaluation for storage and re-timing reservoirs would be taken out of context.

In a letter to Sen. Lydia Brasch, Winkler said, "Nothing in the draft IMP directs the District to build any reservoir at any location. In fact, the District will remove the Bell Creek example from the final IMP in order to eliminate any confusion."

The supervisors agreed that because the two items are still included in the PMRNRD's draft of the plan, the county should make clear its stance on the issues.

The board voted 5-2 to have Quist and Kruger represent the county at the PMRNRD's public hearing on the plan. Hinline and supervisor Paul Cerio, District 1, Fort Calhoun, voted no.

The public hearing will be held at 7 p.m. June 12 at NRD headquarters, 8901 S. 154th St., Omaha. The public is invited to share ideas for water management at papionrd-waterplan.com.

Washington County Enterprise 4-25-14

What's really going on with our water? Posted: Thursday, April 24, 2014
1:22 pm

What's really going on with our water? By Scott Japp Washington County
Enterprise and Pilot Tribune | 0 comments

In recent days, you may have heard about Sen. Carlson's Water Sustainability Fund bill in the Legislature — a bill that extends the governor's executive power to appoint an additional 11 members to the Nebraska Natural Resources Commission (shades of FDR's attempt to pack the Supreme Court in the late 1930s come to mind here, but that's a discussion for a different time.).

Now, as it's been approved by 48 of 49 state senators and signed into law by the governor, you'll no doubt become much more familiar with some of LB1098's intricacies.

There's no doubt about it; preserving our most precious resource — water — is a noble cause. However, this particular bill is full of misconceptions, so much so that it reminds one of the debate surrounding the Affordable Care Act (a.k.a. Obamacare).

Remember Nancy Pelosi's phrase, "We have to pass the bill so you can find out what's in it"? Well, perhaps our state senators should have done a better job of reading this bill before they took the plunge.

Carlson's water task force report stated that, in the last 60 years, the State of Nebraska has had a one percent decline in groundwater levels. Basic math indicates the State of Nebraska has a 6,000-year supply of water (100 percent times 60 years).

By all accounts, most people would consider this to be sustainable. So, where's the problem with our groundwater?

There are two primary areas with major groundwater declines — Box Butte County and the counties in the Upper Republican Natural Resources District. But, what can the Water Sustainability Fund do to rectify the situation?

The answer is absolutely nothing, since there is no major river to dam in places like Box Butte and Chase County. Moreover, the Water Sustainability Fund can accomplish nothing for the entire Republican River system's declining stream flow, as it already has numerous dams on the River.

What about other areas of the state that this bill professes to aid? Let's take a look, for example, at the Platte River basin, which includes approximately two-thirds of the state.

According to the USGS's most current information, this entire region has had no decline in groundwater elevation since predevelopment. The Department of Natural Resources states that the stream flow on the Platte River system is down due to the hydrological connective to the groundwater.

This means when groundwater is low the stream flow is reduced. This week, at the PMRNRD board meeting no less, a draft for an integrated water management plan was introduced.

Even though our monitoring wells show an increasing sustainable groundwater level and a spokesperson from the USGS stated there is no significant decline in the Platte River system, we are about to embark on an intrusive taking of water rights within the PMRNRD and in other NRDs across the state.

The PMRNRD plan calls for well moratoriums and water restrictions in an area with an increasing water level. It also calls for the construction of timing reservoirs on the Bell Creek and other watersheds.

To pay for these projects, the NRDs would implement an occupation tax of \$10 per acre on all irrigated land. Where is the common sense here!

The PMRNRD's general manager, John Winkler, has since written a lengthy letter stating that the District is only "evaluating" the situation and that no dam is going to be placed on Bell Creek.

What he's not telling you, though, is that, at the last PMRNRD board meeting, Mike Sotak from FYRA and Paul Woodard from Olsson Associates testified at length about the benefits of building a dam on Bell Creek.

Even an HDR representative weighed in on the conversation, stating that there was great potential for building up to 1,000 dams in the Elkhorn and Loup River system.

Make no mistake about it, the testimony delivered at the last NRD board meeting indicates that the PMRNRD is moving forward with this plan — not simply "evaluating" it as John Winkler and his special-interest propaganda machine would have you believe.



KENT SIEVERS/THE WORLD-HERALD

Looking west on Thompson Creek near 73rd Avenue and Park View Boulevard in La Vista, where channel stabilization is to begin this fall.



KENT SIEVERS/THE WORLD-HERALD

Twenty-four homes have been demolished along Park View Boulevard in La Vista to restore a large section of the Thompson Creek channel.

LA VISTA

Higher costs force scaling back of Thompson Creek project

By *Emily Nohr* / *World-Herald staff writer*

La Vista resident Cheryl Janca is looking forward to the day when she isn't worried about her spongy backyard or the holes in her neighbor's yard across the way.

“Right now, it's just ... yeah,” she said with a sigh. “It's a mess.”

Janca lives along Thompson Creek, where for years the City of La Vista has worked to alleviate severe flooding and erosion that have occurred as the area has been developed.

This fall the watershed restoration project will take a big step forward when crews start work on stabilizing the channel.

Site clearing will start as early as November, with utility relocations starting in January 2015. Reconstruction of the channel is expected to start in April 2015 and continue until the fall.

While progress is in sight, it won't come without some compromise.



Utility pole relocations along the creek more than doubled in cost, prompting the city to scale back the project to where the problems are most severe, City Engineer John Kottmann said.

Although the problem area is generally between 84th and 72nd Streets, the worst part is between Edgewood Boulevard and 72nd. The city will defer addressing the creek west of

Edgewood — with the exception of a pedestrian bridge — until more funds are available.

Kottmann said paring down the project will keep it within its \$2.7 million budget, which is being covered by \$1.5 million in grants from the Nebraska Environmental Trust and the Nebraska Department of Environmental Quality.

The city and the Papio-Missouri River Natural Resources District are sharing the rest of the cost, with the city kicking in \$500,000 and the NRD \$700,000.

Mayor Doug Kindig said he's glad to see the project advance and address problems such as sinkholes and downed fences that residents have battled for decades.

Ultimately, he said, the creek is meant to be an enjoyable natural resource for the community, not a problem.

"I'm happy to see that we're going to start to get the majority of the bank stabilized," Kindig said. "That should bring some comfort to some of those homes that are affected by it."

A study of the creek in 1978 led to construction of a stormwater basin south of 83rd Street and Park View Boulevard. It helped address frequent street flooding, but backyard erosion along the creek persisted.

City officials studied the creek again in 1995 and suggested that the city acquire private property between 72nd and 69th Streets, an especially problematic area where sanitary sewers were exposed and ready to fall into the creek.

Four years later, grading and bank stabilization work was completed.

More recently, the city acquired and demolished 24 homes between Edgewood Boulevard and 72nd Street to make way for restoring a large section of the channel.

Now the city is planning a couple of outreach events, such as next month's Thompson Creek BioBlitz, a partnership with the University of Nebraska at Omaha that will include guided tours of plants and animals in the area.

The city also is accepting applications for a rain barrel cost-sharing program, which officials say will improve the environment along the creek.

Kottmann said both programs are part of a national focus on watershed management to treat the cause of the problem and not just the symptoms.

"We need to improve the way we handle runoff and minimize it so these problems don't occur in the future," he said.

City Councilman Mike Crawford said the construction is welcome because planning for the project — from the property acquisitions to the grant application process — has taken longer than he anticipated.

"It's been a long time coming," he said.

Janca said that while the city has been great to work with, she's ready to move forward with changes that will undoubtedly increase her property value.

"I'm excited," she said. "I'm very excited."

GREENBELT DISPUTE

State seeks higher Sarpy County farmland valuations

By Cody Winchester / *World-Herald* staff writer

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Sarpy County landowners with a greenbelt designation will see property valuations rise 12 percent if the state prevails in an assessment dispute.

In its annual review of county assessments, the Nebraska Department of Revenue said Sarpy County's valuations for farmland in 2014 were too low.

Greenbelt designation allows land near developed areas to be valued based on agricultural use rather than market value.

The state recommends raising the per-acre value of greenbelt properties in the county by 12 percent.

County appraisers already raised greenbelt values by 15 percent this year, and the county is contesting the state opinion.

In Sarpy, Douglas and Lancaster Counties, farmland values are affected by urban growth, so government appraisers don't have purely agricultural sales to use for comparison. Instead, they use farmland sales from other counties.

State and county appraisers compare sales in the same counties. They just disagree on how much farmland sales in Cass, Washington and Saunders Counties are influenced by urban growth, Sarpy County Assessor Dan Pittman said.

"We're saying the state is putting too much weight" on those counties, Pittman said.

Sarpy County officials defended their methodology Thursday at a hearing before the Nebraska Tax Equalization and Review Commission. The state will present its case this week, and then the panel will issue a ruling, Deputy County Attorney Mike Smith said.

Judge takes NRD motion for new trial under advisement

Posted: Tuesday, April 29, 2014 9:53 am | Updated: 9:56 am, Tue Apr 29, 2014. By Teresa Hoffman Washington County Enterprise and Pilot Tribune

The attorney for the Papio-Missouri River Natural Resources District (NRD) has asked a judge to reconsider a previous ruling made in the case involving the merger of two rural water districts.

Last week, the NRD and City of Fort Calhoun were in court once again for a hearing on the NRD's motion for a new trial.

During the hearing, which began with attorneys for both sides meeting with Washington County District Court Judge John Samson in his chambers, NRD attorney Paul Peters submitted a written summary of his arguments and asked Samson to take a look at the case again.

Samson took the motion for a new trial under advisement and said he will issue a ruling soon.

In arguing for a new trial, Peters maintains, as he had in the previous motion to dismiss which Samson rejected, that the City of Fort Calhoun and Mayor Mitch Robinson don't have standing in the issue regarding the merger of rural water districts 1 and 2.

"Our position is that the city has nothing to gain or lose from litigation," he told the Pilot-Tribune last week. "People in the improvement project are the ones who will win or lose."

Peters said the motion for a new trial is his way of asking Samson to take another look at the case.

"We are giving the trial judge the opportunity to re-examine his opinion," he said.

The motion involves a Petition in Error filed on behalf of the city and Robinson that alleges a violation of state law and the Nebraska Open Meetings Act in the NRD's action to expand the boundaries of Washington County rural water districts 1 and 2.

Along with his written summary of arguments, Peters also presented Samson with examples of other court cases he thinks pertain to this issue.

"There are a line of cases that says a government subdivision does not have the right to go into court and claim a due process violation," Peters said. "We are saying the law has no right to interfere with the NRD's decision."

Oliver Jenkins, who is representing the city along with Benjamin Belmont, argued during last week's hearing that the city and Robinson do have legal standing in this matter, according to statutes, because it is one of the customers in rural water district 1.

"Just like any other entity, they are interested parties and have an equitable and legal interest, according to state statute," Jenkins said.

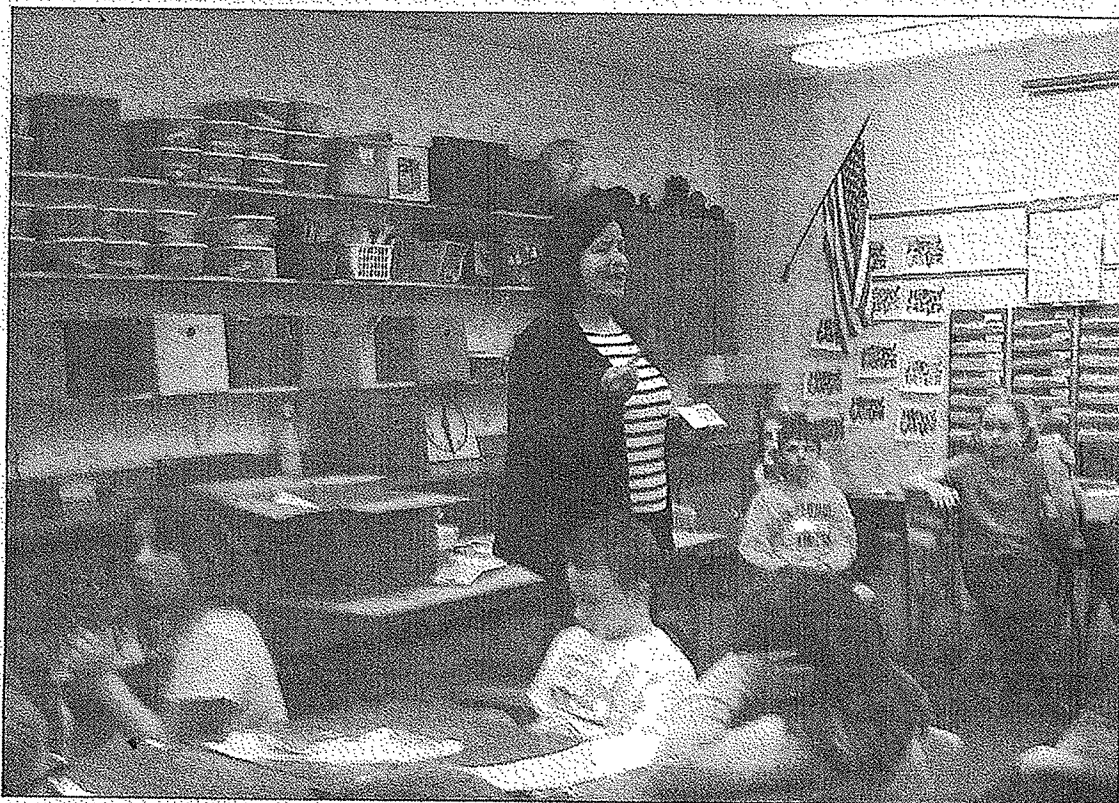
Peters said he has no plans to file motions for new trials in two other cases involving the water districts' merger.

Last year, Samson ruled against the NRD's two other motions to dismiss filed on behalf of the NRD.

Those motions involved a Petition in Error filed by the city and Robinson, which seeks an appeal of the NRD's decision to merge Washington County rural water districts 1 and 2 and a complaint that asks for an injunction to stop the merger, based on what the city and Robinson allege is a breach of contract.

No trial dates have been set in those cases.

Education

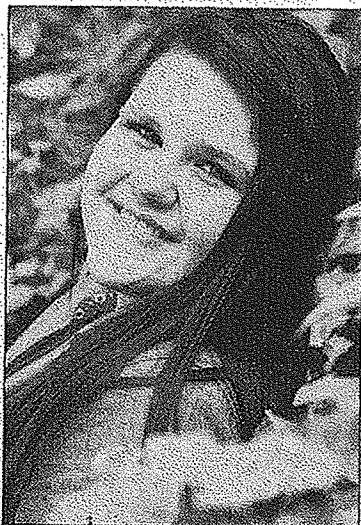


Talking trees

Deb Ward from Papio-Missouri River Natural Resources District visited Tracy Nathan's third grade class in Tekamah last week to talk about protecting natural resources. Ward She brought each student a service berry bush and some wild flower seeds and explained the process of planting and caring for the plants as well as the importance of caring for plants and trees. Her visit was in observance of Earth Day as well as it being an Arbor Day tradition to deliver trees to students.

Photo courtesy of Tekamah-Herman Schools

Tiger Talk



Cheyenne Jessen
Tekamah-Herman

vocal, a class I hadn't frequented since eighth grade.

It was definitely an adjustment at first, but overall I'm happy to have spent my last semester at Tekamah-Herman High in a more beneficial setting for my morning hour.

I didn't fully absorb as an eighth grader exactly how much attention to detail and fine-tuning it requires to develop an exceptional choir.

Luckily, all that fine-tuning paid off at our district music contest last Friday at Yutan. Our group was awarded a one (on a scale of one to four, one being the best and four being the worst) for our performances of "Gloria" and "The Seal Lullaby."

off, but a lot of the other Tekamah-Herman musical groups did exceptionally as well.

Then, it's always fun to listen to performances from other schools (especially Omaha Brownell Talbot—whose choir sounds like they've been vocalizing together since diapers) and experiencing a different atmosphere.

Whereas at basketball tournaments I was accustomed to seeing competitors lounging about in headphones and sweatpants toting gym bags, at last week's event there were boys and girls of all ages flocking around, some going over last minute run-throughs, some harmonizing for fun, and quite a few

May 2, 2014
Blair Enterprise
"Letter to the Editor"

LETTER TO THE EDITOR

PMRNRD distorts facts

To the editor,

The PMRNRD and our Legislature are providing enough BS to fill a hog lagoon. At a county board meeting, the PMRNRD stated it was not going to build a dam on the Papio Creek. Yet, two days later, we learn from the OWH paper that this is not true. So I ask everyone, who is the real Pinocchio here — the wooden boy who came to life, or the PMRNRD? I stipulate that it is the latter.

The Papio Valley Preservation Association (PVPA) has been working for years to curtail the abusive authority of the NRDs. The PVPA's latest attempt was LR226. Last summer, they diligently tried to hold a hearing but our state senator, Lydia Brasch, who happens to sit on the Legislature's Natural Resources Committee, could not find one day to address the PVPA's concerns. Had such a hearing taken place, the merits of providing local control over our

economy and natural resources could have been discussed.

It was no accident that the PMRNRD included a proposed dam on the Bell Creek and the possibility of raising our property taxes. Is this part of the PMRNRD and Omaha plan to divide and conquer?

With a proposed 18,000-acre park along the Missouri River and a 7,000-acre park on the Papio Creek, why wouldn't these entities approve a 5,000-acre park on the Bell Creek? This line of thought, after all, is explicitly detailed in MAPA's Vision 2050 plan. And, when you include a possible highway bypass in the county, what's left? The answer is property taxes that are so high that people can no longer afford to live here.

Washington County is one of the fastest growing counties in the State for a reason. We don't need to ruin it by building a dam on the Bell Creek.

Matt Japp
Kennard