

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: August 10, 2009

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities for the month of July, 2009, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS:** None
- C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, PERSONAL PROPERTY:** Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of July, 2009. 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 May 18, 2009. 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 July, 2009 Papillion Creek Watershed Partnership Monthly Update is attached for your review. The next Partnership meeting will be held on August 27, 2009, at 10:00 a.m. at the NRC
- F. **NEWS CLIPS:**
 - ✓ July 8, 2009, Wahoo Newspaper article – Wanahoo still ahead of deadline.
 - ✓ July 9, 2009, Omaha World Herald article – Papio NRD examines new irrigation limits.
 - ✓ July 12, 2009, Omaha World Herald editorial – Invasive species – Confronting the invaders.
 - ✓ July 13, 2009 – Norfolk Daily News article – Legislative study to delve into NRD structure.
 - ✓ July 13, 2009 – Blair Enterprise article – NRD to use bond authority for 1st time.
 - ✓ July 17, 2009 – Omaha World Herald, letter to the editor, written by Michael A. Starkey – NRD controls too much power.
 - ✓ July 18, 2009 – Omaha World Herald article – Cracking down on car washing
 - ✓ July 21, 2009 – Douglas County Post Gazette article – NRD board elected officers, changes meeting times.
 - ✓ July 21, 2009 – Douglas County Post Gazette article – NRD recommends lower tax levy in FY 2010 budget.

- ✓ July 24, 2009 – Blair Enterprise editorial – Emergency water test; two groups working together
- ✓ July 30, 2009 – Omaha World Herald article – Neb. responds to water arbitrator
- ✓ August 4, 2009 – Douglas County Post Gazette article – Papio-Missouri River NRD adopts rules to limit irrigation expansion.

/pt/Winkler/GM Reports/2009/August

July 2009

Information and Education Report

Information

- Began preparations for an Elkhorn Crossing ribbon Cutting.
- Continued work on a river access brochure
- Continued work on NE's NRDs Rec Areas publication
- Continued with media campaign activities
- Met with NARD on possible media campaign
- Continued work on Rec Area signs
- Completed and launched new web site
- Finalized copy and photos for next Spectrum Newsletter
- Completed employee appraisals

Education:

- Ralston Nature Club – 60 kids-weekly program
 - Pelts/tracks/scat
 - Bird treats/binocs
 - Frog/turtle
- Benson West bird nest program – 80 kids
- Hearts and Hands fishing/frog & turtle program – 18 preschoolers
- Jr. Explorers camp – 16 kids-week long camp
- Boyscout Camp – 9 kids
 - Nature hike, tracks/scat/pelts, trash clean-up
- City Sprouts garden program – 10 8th grade students from local reservations
 - Butterflies, ladybugs, beeswax candles, seed bombs
- Met with City of Omaha to reserve rock wall
- Continued to organize nature camps for remainder of 2009 season
- Set up permanent set of fishing/casting rods for NRD programs
- Assembled more Parent/Child toolboxes
- Wrote articles on GO! Play Adventure and MORE Nature for NACEE
- Met with MORE Nature to discuss grant opportunities
- Facilitated MORE Nature steering committee meeting
- Met with Junior League to discuss GO! Play Adventure
- Worked with City of Omaha, Council Bluffs, Papillion, Nature Centers, Zoo, SID's on placement of GO! Play Adventure Posts, checked on all 34 posts
- Presented 2 GPS trainings, and facilitated Olympics session at Focus on Forever Conference in Grand Island
- Met with NRCS/LPSNRD to discuss programming
- Met with Studio23 on MORE Nature Website Design

July, 2009

✓

Updated: July 13, 2009

**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)
- **Big Papio:** (Cleveland)
 - ★ Whitted Creek easement form (P)
- **West Branch:** (Cleveland)
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - ★ Interlocal Agreement w/Papillion, Sarpy County, etc on W. Papio levee/bridge Improvements (N)
- **Western Sarpy Dike:** (Cleveland)
- **Floodway Purchase Program:** (Grint)
 - Review Floodway Purchase title work & prepare PAs for King Lake properties (W)
 - Floodway Property purchase agreements as needed (F)
- **Trail Projects:** (Bowen)
 - Western Douglas County Trail – purchase agreements, deeds, easements, etc. (F)
- **Missouri River Corridor Project:** (Becic)
 - Agreement for Omaha to maintain Missouri River Trail at N.P. Dodge North (P)

- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Puls/Cleveland)
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - Prepare W-3 Purchase Agreement (P)
- **Papio Watershed Dam Sites:** (Grint/Petermann)
 - WP-5 City of Papillion Interlocal Agreement (P)
 - Interlocal Agreement with City of Omaha for DS 15 A (F)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites:** (Sklenar)
- **Other:**
 - Kennard Wastewater Closing (Grint) (F)
 - ✳ Glacier Creek-Heritage purchase agreement & interlocal w/UNO (Becic) (W)
 - Cinnamon Acres easement documents (Bowen) (P)
 - Radio system service agreement (Cleveland) (W)
 - ✳ Finalize Summit Lake/NG&PC Agreement (Becic) (N)
 - ✳ Review All Hazard Mitigation Plan contract w/Olsson Associates (Grint) (W)

MONTHLY UPDATE

July 2009



A Partnership meeting was held on July 30th. Meeting minutes and other materials are updated regularly on the Partnership's website: www.papiopartnership.org.

New Interlocal Agreement

The new Interlocal Agreement is now being presented to boards/councils for approval. As of the July 30th meeting, the NRD, Boys Town, Ralston and Gretna had approved the agreement. The City of Bellevue postponed their decision in order to further review the agreement and the Stage IV Watershed Management Plan report. The City of La Vista has the Interlocal Agreement on the agenda for their August 4 meeting. The agreement passed their planning commission. The City of Omaha has the final reading scheduled for August 11. The City of Papillion has the agreement on the agenda for the August 4 council meeting. Sarpy County has the agreement on the county board agenda for August 18.

Phase II NPDES Permit

The NPDES permit for the Phase II communities is set to expire July 31, 2009. NDEQ has put the permit on administrative extension pending further review of the renewal applications. A letter was sent to the communities to address concerns NDEQ has with the Stormwater Management Plan (SWMP).

NDEQ is requesting more information regarding the number of outfalls to be sampled during dry weather. Currently only outfalls that are 72" or greater or that have had complaints are sampled. They would like to know the percentage of total outfalls this covers to see if it is an appropriate number of if it would be feasible to sample more within each community.

NDEQ would also like to see Weed Management removed from the SWMP. It is their opinion that the application of any herbicide that may eventually drain to waters of the state is contradictory to the purpose of the SWMP.

A draft form letter was put together for the Phase II communities to respond to the questions and concerns from NDEQ. A NDEQ representative will attend the next PCWP meeting to further discuss the SWMP elements. They expect the new permit will be issued by October, though the date has not yet been determined. Until the new permit is issued, the expired permit remains in effect.

Post Construction and Stormwater Ordinance Workshop

On July 23, the City of Omaha and the NRD gave a presentation on the post construction stormwater management plans (PCSMP) and the new stormwater ordinances that will be adopted with the new PCWP Interlocal Agreement. This presentation, requested by the Nebraska chapter of ACEC, was geared for the engineering community who will be responsible for putting the plans together for developers. Approximately 50 people attended this event. The guidance documents for PCSMP plan submittals can be found on the Partnership website at www.papiopartnership.org and www.omahastormwater.org.

Upcoming Events

The Post Construction Stormwater Management Plan Workshop has been scheduled for October 8, 2009 at the Scott Conference Center at UNO.

Next Meeting: The next full Partnership meeting is scheduled for August 27th at 10:00 AM at the NRD office.



Wanahoo still ahead of deadline

By Lisa Brichacek Wahoo Newspaper

Published: Wednesday, July 8, 2009 4:20 PM CDT

WAHOO – It took longer than expected to get construction work underway at Lake Wanahoo. And sooner than expected is also the prognosis for completion of a major portion of construction.

According to Lake Wanahoo Coordinator Mike Murren, construction on the embankment north of Wahoo and its various structural components are going well.

“As of this month, they have about 72 percent of the earthwork done,” he said. “They are really close to a million cubic yards of dirt moved.”

Commercial Contractors and its subcontractors on this portion of the \$24 million project have until next year to close their work that began this past October.

Murren said the contractors really hit it hard last fall, were able to work some during the winter months and have had great spring weather to get a lot accomplished.

“It could be closing as early as this fall, which is pretty amazing,” the coordinator said. “That’s eight months ahead of schedule.”

But while Wanahoo officials remain excited about the overall progress, there have still been some minor delays and details to deal with.

The six-foot thick, roller compacted concrete floor on the bottom of the emergency spillway was scheduled to be poured in mid-June.

Prior to last week, Murren had been working with the contractor to get some issues resolved on the spillway base.

The cement slab is poured in one-foot lifts. Murren said a problem arose when a test slab was poured. The cement has to be at a certain density in order to maintain its strength.

“We were not getting the density that we needed; it was too squishy,” he said.

The problem was that even though the area was prepared properly, there were areas of sand and clay in the ground beneath. The sand released its wetness from the recent rains, the clay did not.

“It’s dewatered, but the clay lens is still wet,” Murren said. “It was like a sponge.”

Murren said several dewatering wells that had been working previously in the area had been pulled out. In agreement, a new dewatering well was sunk to help pull out some of the wetness from the soils. A second part of the solution was to put down a mud slab in between the soil and the first lift. He stated the mud slab is a lower concentration of cement that is poured as a buffer.

According to Murren, the additional slab of concrete will add about \$11,000 onto the project’s cost but in the end should be worth it.

“We probably have a better project now,” he added. “It’s really stable.”

Pouring of the six one-foot lifts began early last Friday morning. Despite the holiday, crews worked late into the night to get the work completed ahead of the forecasted rains last weekend and high temperatures this week.

Murren also reported that the Army Corps of Engineers, the project’s federal partner, is starting to work on the final recreation plans for Lake Wanahoo. Their goal is to have the design 35 percent complete by August.

Papio NRD examines new irrigation limits

Omaha World Herald 7/9/09

New water conservation measures in eastern Nebraska should keep the lower Platte River from becoming “fully appropriated” for at least the next four years, according to the Papio-Missouri River Natural Resources District.

The Papio NRD is joining other NRDs nearby in establishing new restrictions that limit irrigation development.

The district board will hold a public hearing at 8 p.m. today on its temporary moratorium on the construction of new irrigation wells and the expansion of irrigated acres in its area of the lower Platte River. The hearing is part of the NRD’s monthly meeting at Chalco Hills Recreation Area, 8901 S. 154th St.

“These new irrigation guidelines will limit increased uses of groundwater that is hydrologically connected to the Platte River,” said John Winkler, the NRD’s general manager. “The lower Platte River cannot sustain unlimited withdrawal that could be caused by an over expansion of irrigation.”

— David Hendee

INVASIVE SPECIES

Confronting the invaders

OWH Editorial July 12, 2009

An issue getting a lot of national attention is all too familiar to many Nebraskans: Invasive species.

Congress is considering how to handle the widespread but diverse incursions that cost this country millions, even billions of dollars, to fight.

Invasive species are non-native plants or animals that harm the habitats they invade — economically or ecologically. For instance, when Russian olive and saltcedar trees choke Nebraska's waterways, the plants consume a lot of water, crowd out native and more desirable plants and cost hundreds of thousands of dollars a year to combat.

Some U.S. invaders such as Chinese and Japanese mysterysnails were brought in by aquarium aficionados and released to the wild. Burmese pythons kept as pets escaped or were turned loose.

Zebra mussels came in the bellies of ships. Insects such as the Asian long-horned beetle came in cargo shipments. European starlings were deliberately introduced to the United States by a bird lover who liked them.

Last week, members of a U.S. Senate subcommittee heard testimony from experts around the country on the harm being caused by these foreign attackers. Among the examples: Huge rodents called nutria that inhabit Louisiana. Burmese pythons in the Everglades. Brazilian peppers. Chinese mitten crabs. Nile monitor lizards.

Snakehead fish from eastern Asia, the lawmakers were told, are clearing lakes of other fish from North Carolina to New England to Lake Michigan and Wisconsin.

In Nebraska, Asian silver carp menace boaters where the Platte meets the Missouri River, flying out of the water and threatening water-skiers as well as the multimillion-dollar sports fishing industries in Nebraska and Iowa.

Zebra mussels, brought to the Great Lakes in the ballast water of oceangoing ships, clog water intakes, damage boats and have been sighted in Nebraska waters.

More Nebraska examples: — Purple loosestrife threatens Platte River habitat. — Phragmites, a common reed, chokes the Republican River and portions of the Platte.

- Garlic mustard crowds out natives such as Dutchman's breeches and spring beauties.
- Leafy spurge is toxic to cattle.
- Knotted knapweed displaces forage plants in pastures.
- Asian clams from Asia and Africa push out native mollusks, some of them rare species.
- Rudd, which can harm native plants, is established in some western Nebraska lakes and reservoirs.

That's a partial list, but the problem is bad enough to warrant the Nebraska Invasive Species Project, operated by the University of Nebraska-Lincoln.

The project was established by the Nebraska Environmental Trust, the Nebraska Cooperative Fish and Wildlife Research Unit and the Center for Advanced Land Management Information Technologies. The project's extensive Web site offers useful information on the problem around the state.

At the federal level, the Natural Resources Conservation Service (part of the U.S. Department of Agriculture) just announced \$1.5 million in cost-share assistance to landowners in portions of all Nebraska's river basins. Landowners are eligible if they have recently had or soon will have riverbanks sprayed for invasive weed control.

The service, the Nebraska Department of Agriculture and seven weed management areas around the state also are supporting an effort to keep noxious and invasive weeds from returning.

Congress is looking at various ideas for preventing invasive species from entering the country. Several proposals would expand the law that forbids injurious species from being imported to include various invaders, such as the Asian carp.

Another idea is to set up a risk assessment process to identify invasive species before importation. Or various agencies could receive authority to wipe out existing invasive species on federal land around the country.

The soundness of those proposals will have to be considered on an individual basis. But there's no question about one thing: the wisdom of trying to do something not only to fight invasive species that are already in the United States and Nebraska but also to prevent new species from entering the country.

The native environment depends on it.

Legislative study to delve into NRD structure

Norfolk Daily News

By GREG WEES
News Staff Writer

Monday, July 13, 2009

The Nebraska Legislature will take a look at restructuring the 23 natural resources districts in Nebraska under an interim study resolution.

Sen. Beau McCoy of Omaha, who introduced Legislative Resolution 181 authorizing the study, was involved in discussions leading to a new law giving bonding authority to the Papio NRD for flood protection and water enhancement projects.

That prompted him to want to take a closer look at the NRD system and its structure.

"It became apparent to me that it may be time to look at ways we can improve the NRD structure - if there are ways to make things a little more efficient, to see if it makes sense,' he said. "With fiscal challenges we face, any opportunity out there to potentially reduce property taxes would be helpful."

The study is to focus on the advantages of having an NRD encompass an entire watershed, basin or river. It will also look at ramifications of realigning and possibly reducing the number of NRDs.

During a recent Lower Elkhorn NRD meeting in Norfolk, Manager Stan Staab told board members that an eye will have to be kept on developments pertaining to the interim study.

The Nebraska Association of Resources Districts also will be monitoring the situation.

Dean Edson of Lincoln, the group's executive director, said his group doesn't have an official position but welcomes the look. The NRDs underwent a similar review of structure and efficiency in 1997-98, he said.

"The structure we have now is designed where we have locally elected people who control those budgets, spending and programs,' he said.

The system was set up as it was because there can be quite a bit of diversity within river basins, like the Platte, Elkhorn and Loup, which all have more than one NRD.

"If they want to take a look, we're fine with that, but you need to remember those differences exist and have to be taken into consideration,' he said.

He said the NRDs offered to make their offices around the state available for hearings on the topic by the Legislature's Natural Resources Committee.

NRD to use bond authority for 1st time

7/13/2009 3:12:00 PM (Blair Enterprise)

It may come as small relief to taxpayers that the Papio-Missouri River Natural Resources District's tax levy most likely will be lower next year.

Then again, overall money paid to the NRD will not be.

A budget subcommittee of the NRD recommended a fiscal year 2010 budget that requires a property tax levy of 3.241 cents per \$100 of valuation. Last year's levy was 3.3753 cents per \$100 of valued property.

The levy means that the owner of a property valued at \$100,000 would pay \$32.41 in property taxes next year toward the NRD to support projects and programs.

The smaller levy will result in lower revenue from property taxes, with a funding request of \$16.3 million compared with last year's \$16.6 million.

However, due to special bonding authority granted to the NRD by the Nebraska Legislature this spring, taxpayers will be paying an extra bond that was not in place before. The bonding authority is intended to fund flood control projects.

According to the legislative bill passed by Nebraska lawmakers, the bonding levy cannot exceed one cent per \$100 of valued property, and the bond must be approved by a vote of the NRD board of directors. The Papio-Missouri NRD district covers Sarpy, Douglas, Washington, and parts of Burt and Thurston counties.

"The new bonding authority is allowing the NRD to respond to current and future flood threats presently endangering lives and property without increasing our levy. We appreciate the foresight of the legislature in granting the district this source of funding," said NRD general manager John Winkler in a press release.

Scott Japp, subdistrict 1 representative, said the Board of Directors will vote on the bond, not the public, and that a vote has not yet taken place.

Japp of Arlington represents the Thurston, Burt and Washington county areas.

The NRD's recommended budget calls for much higher estimated expenditures in FY 2010, totaling at \$66.3 million, compared with \$39.47 million last year.

According to a press release from the NRD, the rise in expenditures is due to two factors. First, \$17.1 million will be transferred from the district's reserve fund. The fund was established to enable the NRD to set aside and accumulate district general funds to finance the future establishment, construction, operation and maintenance of food control and water quality projects and practices, including low-impact development best management measures, flood plain buyouts, dams, reservoir basins and levees.

Second, \$9.1 million is scheduled in the budget to be obtained through the special bonding authority granted by the Nebraska legislature this spring.

So far, no projects in Washington County have been scheduled using bonding authority money.

In addition, \$375,000 in water quality grants will be given to Arlington and Kennard to help out with their transitions from local sewage treatment systems to regional facilities, said NRD assistant general manager Marlin Petermann.

The NRD budget will be approved in September.

NRD controls too much power

The Papio-Missouri River Natural Resources District lamentably has the power to tax and to take property by force.

The NRD works for warring parties: environmentalists, who can't stand development, and the developers themselves. The NRD can take property from private individuals, build a lake and allow developers to prosper at the owner's expense.

The NRD must be thrilled to have economic illiterates running government in Nebraska. If a survey of those leaders were taken, I suspect not one in 10 could properly define capitalism or understand property rights.

I believe the NRD created the excuse of 100- and 200-year floods in order to get laws passed that allow it to take money and land by force. In the long run, I believe the Papio NRD could drive more businesses and residents from the area because the NRD can tax as it pleases and is above the property rights laws.

Nebraska's future appears to be a continued depletion of the state's population due to high taxes and uneven protection of prop-

erty. Omaha's annexation of towns cannot be counted as growth in a healthy economy.

Michael A. Starkey, *Omaha*

OWH
7-17-09

N

Cracking down on car washing

By Roger Buddenberg
WORLD-HERALD STAFF WRITER

7/18/09

It's as much a part of American summer as hot dogs or lawn mowing: You park the family truckster on the driveway, lather it up and hose away the grime, cooling off in the process.

There's no law against it. But state and city officials whose job is to monitor what goes down storm drains and into the river wish you wouldn't. Or at least wish you'd adjust your routine.

Governments in a few places around the country have cracked down on the car washing tradition. For example:

--Washington state is requiring cities to adopt laws banning anything except clean rainwater from entering storm drains. That means no soap, no grime, no metals, no oil or other gook from car wash runoff.

Car wash

Use commercial carwashes. Their wastewater must be treated.

Wash your car on gravel, grass or some other absorbent surface, not a concrete driveway. The earth helps filter the suds, road grime and metals, keeping them from flowing straight into the river.

For a charity carwash, block the storm drain and pump the runoff into a sanitary sewer drain or onto grass.

Use a nozzle on the hose so the water doesn't run continuously. (Saves on the water bill, too.)

Use only biodegradable soaps.

Source: Stormwater Manager's Resource Center, an EPA-funded advisory group

"The soaps are just as toxic as some of the chemicals we regulate in the industrial (sector). They kill fish," said Sandy Howard, a Washington Department of Ecology spokeswoman.

--Other ecology-minded West Coast cities have gone further. The Los Angeles suburb of Santa Monica fines residents \$500 if water runoff leaves their property.

--Fairfax, north of San Francisco, considered a residential car washing ban recently but relented in the face of public opposition. "While we were at it, we decided not to kill Mom and apple pie," Mayor David Weinsoff said.

Rather than adopt car washing bans, most states and cities, including Nebraska and Omaha, simply try to teach the public about what not to put in storm drains.

Trying to police hundreds of thousands of potential pollution sources across a city — Can you imagine car wash cops? Neighbors ratting out neighbors? — would be harder than scrubbing bugs off a grille.

Officials say government effort is better spent watching for large pollution sources, such as industries or construction sites.

“It is important to get the message across to people that we want just stormwater going down our drains,” said Brian McManus, a spokesman for the Nebraska Department of Environmental Quality.

Marty Grate, Omaha's environmental services manager, said the city's most recent ordinance on storm drains, drawn up to meet federal requirements, specifically allows runoff from residential car washing to flow into storm drains.

That means you aren't breaking the law by hosing off your sedan in the driveway. But it doesn't mean water-quality officials are happy about it.

They'd rather you drove to a commercial carwash — which must treat its wastewater — or at least pulled onto your lawn or gravel before turning on the hose. That way the runoff can soak into the natural filter of the ground instead of running straight into the fish's home.

The U.S. Environmental Protection Agency, rather than trying to regulate residential car washing, allows local governments to impose bans if they see fit and encourages campaigns to teach the public about storm drains — namely that, unlike household drains that carry water to a treatment plant, they empty straight into rivers and are the most common route for waterway pollution.

Soaps in particular dissolve the protective mucous layer on fish and natural oils in their gills, making fish more susceptible to disease.

X Car washing doesn't top the worry list in the Midlands, said Amanda Grint, water resources engineer for the Papio-Missouri River Natural Resources District, which advises local governments about runoff and helps coordinate their efforts.

Fertilizers, both agricultural and residential, are a higher concern, she said, as is overwatering, which carries more of all kinds of pollutants into rivers.

“Probably the No. 1 priority is to slow the water down,” she said, which is why the NRD likes to encourage rain gardens, rain barrels, downspouts aimed onto the lawn instead of the driveway and other steps to keep runoff from gushing into the gutter.

This report includes material from the Associated Press.

Contact the writer:

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NRD board elects officers, changes meeting times

All officers of the Papio-Missouri River NRD Board of Directors were re-elected by the board to serve another one-year term. At the July 9 meeting of the board, Jim Thompson of Omaha was re-elected chairperson. Thompson holds a Bachelor's of Science in Business Administration from the University of Minnesota. He was elected to the Board in 2002.

Rick Kolowski of Omaha was re-elected by the Board to serve another term as vice-chair. Kolowski is a retired principal of Millard West High School and was elected to the board in 2004. He is also the current chair of the Learning Community Coordinating Council.

Re-elected as secretary is Richard Tesar, a Waterloo resident and owner of Rich Tesar Outdoors, a professional outfitting service.

Re-elected treasurer is John Conley, retired manager of engineering for Metropolitan Utilities District. Fred Conley was elected as assistant treasurer.

Post-Gazette 7-21-09

Rich Tesar was also selected to serve another term as the Board's representative on the Nebraska Association of Resources District's Board. Tim Fowler was chosen as assistant representative to the NARD.

The Board also voted to begin future regular monthly Board meetings at 7 p.m. Previously, the meetings began at 8 p.m. With the exception of the September meeting, held in South Sioux City, all Board of Directors' meetings are held at the district's headquarters at Chalco Hills Recreation Area, 8901 S. 154th Street, Omaha.

The Papio-Missouri River NRD area includes all of Sarpy, Douglas, Washington, and Dakota Counties plus the eastern half of Burt and Thurston Counties. District programs and projects are funded in part by a property tax levy of less than two percent of property taxes collected in its six-county area. Major activities include flood protection, surface water quality, water-based recreation, hike/bike trails, rural water supply, and wildlife habitat improvement.

NRD recommends lower tax levy in FY 2010 budget

Property tax payers in the Papio-Missouri River Natural Resources District area may see a lowered NRD tax levy and less tax dollars requested for next fiscal year. The NRD Board of Directors voted at their July 9 meeting to recommend both decreases next fiscal year.

Public input on the budget was taken at the July 9 meeting prior to the board's vote. A formal public hearing and adoption of the budget will take place at the Board's August 13 meeting.

The proposed budget calls for a FY 2010 property tax levy of .032410, compared to .033753 last year. The .032244 levy would mean that the owner of property valued at \$100,000 would pay a total of \$32.41 in property taxes next year to support NRD projects and programs. The NRD levee is less than two percent of total property taxes collected in the District's six-county area. The Papio-Missouri River NRD area includes all of Sarpy, Douglas, Washington and Dakota Counties plus the eastern 60 percent of Burt and Thurston Counties. The levy is based on a projected 2.5-percent increase in valuations across the District.

The subcommittee-recommended budget calls for \$16.3 million in revenue from the property tax levy. Last year's tax funding request was \$16.6 million.

The subcommittee's budget also calls for total estimated expenditures of \$66.3 million, compared to \$39.47 million in fiscal year 2009.

The difference is due to two factors:

1. **\$16.7 million is being transferred from the districts reserve fund.** (The fund was established by the Board of Directors at their May 8, 2008 meeting.) The fund was created to enable the District to set aside and accumulate District general funds to finance the future establishment, construction, operation and maintenance of flood control and water quality projects and practices, including but not limited to low-impact development best management measures, flood plain buyouts, dams, reservoir basins and levees.

2. **\$9.1 million will be obtained through special bonding authority granted by the 2009 Nebraska Legislature intended to provide funding of flood control projects.**

Major projects receiving the additional funding include:

1. \$2.6 million for the Western Sarpy/Clear Creek project to improve Platte River levees offering greater flood protection for Omaha and Lincoln water supply facilities and the Interstate 80 transportation corridor.

2. \$3.9 million for floodway buyout efforts including \$2.1 million for a Platte River levee improvement to protect the Village of Waterloo.

3. \$18.4 million being budgeted for WP-5 reservoir to protect the City of Papillion and other flood control/water quality projects within the Papillion Creek Watershed and
4. \$3.1 million for a flood control/recreation project, Pigeon/Jones Creek site #15 in Dakota County.

"The new bonding authority is allowing the NRD to respond to current and future flood threats presently endangering lives and property without increasing our levy," said John Winkler, NRD General Manager. "We appreciate the foresight of the legislature in granting the District this critical source of funding."

The NRD also receives funding through State of Nebraska and federal funding for projects, and special assessments.

Editorial

Emergency water test; two groups working together

It didn't generate much fanfare, but the test in Blair marked an important occasion last month when water was pumped from the Papio-Missouri River Natural Resources District's rural water system to the water tower just south of town.

It marked the first test of the system that was designed to provide Blair with a backup supply of water in case of an emergency. And the test went well, which is good news for Blair residents. Using a Blair Volunteer Fire Department pumper truck, a crew pumped 1,200 gallons of water per minute to the water tower.

The test confirmed that, in case of emergency, Blair could get water from the Metropolitan Utilities District in Omaha via the NRD's rural water system. That way Blair could provide at least basic water service to residents in the event that the city's main water supply was interrupted.

The recent test was the culmination of four years of planning and work by the city of Blair and the PMRNRD. This a project that has proven to be of great value to everyone involved, including residents in Blair and Washington County. Many county residents now have a dependable supply of water for household and emergency use thanks to the NRD's rural water system that serves a large area between Blair and Fort Calhoun.

And Blair residents have a reliable backup supply of water in case an emergency shut down the city's normal water supply. The 1,200 gpm that was pumped into the water tower during the recent test is about half of what the city uses on a regular basis, but it would provide enough water to keep the community going in an emergency.

It's an example of two government subdivisions (three, if you count MUD in Omaha) working together to achieve a common goal and to consolidate efforts for maximum efficiency. And it's an example of the kind of emergency planning that continues to enhance the quality of life in Blair.

The city of Blair invested about \$500,000 into this endeavor and it looks like it was money well spent.

Neb. responds to water arbitrator

By David Hendee
WORLD-HERALD STAFF WRITER

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Nebraska and Kansas didn't retreat Thursday in a border dispute over the Republican River, but neither state escalated the conflict to the U.S. Supreme Court.

Kansas said Nebraska's overuse of the Republican River remained unacceptable.

Nebraska said it hoped to solve the problem without another expensive Supreme Court confrontation.

The decades-long dispute centers on whether Nebraska irrigators have been taking more water from the Republican River than is allowed under a World War II-era agreement.

The dispute remained unresolved after Kansas and Nebraska officials responded to a federal arbitrator's recommendations.

Kansas, which has threatened to take the dispute to the high court, didn't tip its hand but said it would continue to explore its legal options.

Kansas sued Nebraska in the Supreme Court in 1998. The states agreed to an out-of-court settlement in 2002. Nebraska's subsequent overuse violates an interstate compact and the Supreme Court decree.

What happens next could become clear when the Nebraska, Kansas and Colorado water czars meet in Lincoln next month to determine whether Nebraska used too much water in 2008.

Both states claimed victory a month ago, when arbitrator Karl Dreher released a nonbinding ruling attempting to settle the dispute. The states accepted parts of the decision and rejected others in formal responses Thursday.

Nebraska agreed that it owed Kansas a token \$10,000 in damages for farmers' overuse of Republican River water in 2005 and 2006. Kansas once claimed \$72 million in damages.

Kansas rejected the arbitrator's recommendations that damages be limited and that sanctions must await additional violations by Nebraska.

Kansas accepted the arbitrator's statement that Nebraska's attempts to comply were inadequate and that Nebraska should further reduce the amount of groundwater that farmers pump to irrigate crops in the Republican River basin.

Nebraska rejected the arbitrator's recommendation that Nebraska and the Upper, Middle and Lower Republican Natural Resources Districts make deeper cutbacks in the amount of groundwater pumped. Irrigators have argued that major pumping restrictions on the Republican would devastate the region's economy.

And Nebraska rejected the idea that a federal river master should take control of water use in the Republican valley.

Nebraska Attorney General Jon Bruning said he wasn't surprised that Kansas rejected parts of the arbitrator's decision relating to damages and future compliance. He said he remained hopeful that despite differences with "our neighbors, this matter can be settled outside of court."

Kansas Attorney General Steve Six said the arbitrator agreed that Nebraska has used more than its share of water and has not taken adequate steps to live up to its obligations.

"We will continue to fight to ensure Kansas farmers and communities receive the water they deserve," Six said.

Kansas' response was prepared in cooperation with David Barfield, the state's water czar.

"From the arbitrator's decision, it's clear we were able to prove that Nebraska has not complied with the compact and settlement stipulation, that its current compliance scheme is inadequate and that it puts Kansas at risk for future water shortages," Barfield said.

Nebraska's responses were part of a seven-page letter written by Justin Lavene, a special counsel to Bruning, to officials in Kansas and Colorado.

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Papio-Missouri River NRD adopts rules to limit irrigation expansion

The Papio-Missouri River Natural Resources District Board of Directors voted at their July 9 meeting to join with other nearby NRDs to put new restrictions in place to allow some irrigation development while also helping keep the lower Platte River "not fully appropriated" under state guidelines.

"Local management of our groundwater by Natural Resources Districts gives water consumers the best possible access to the decision-making process," said John Winkler, Papio-Missouri River NRD General Manager. "Protecting this natural resource for generations to come must be a high priority," he said.

The District Board, at last month's meeting, placed a temporary "stay" (moratorium) on the construction of new irrigation wells and the expansion of irrigated acres in the Lower Platte River system. A public hearing on this "stay" was held at the July 9 meeting. The stay limits the expansion of irrigated acres along the Platte and lower Elkhorn Rivers in Sarpy, Douglas and Washington Counties where the Nebraska Department of Natural Resources has determined groundwater and surface water are hydrologically connected. Acres currently being irrigated are not affected by the stay.

The Nebraska Legislature passed LB 483 last session, requiring NRDs to limit the expansion of irrigated acres in the Platte River basin. The proposed rules and

regulations establish a 10,000-acre limit on the expansion of groundwater irrigated acres in the hydrologically connected area through 2012, allowing approximately 2,500 acres of expansion each year. LB 483 also places a limit of 834 acres per year on surface water appropriations that can be granted by the Nebraska Department of Natural Resources. A map showing these areas is available from the NRD.

"These new irrigation guidelines will limit increased uses of groundwater that is hydrologically connected to the Platte River," said Winkler. He also said, "The lower Platte River cannot sustain unlimited withdrawal that could be caused by an over-expansion of irrigation."

A preliminary determination by the Department of Natural Resources that the lower Platte River is fully appropriated was reversed in April 2009. LB 483 limits increased uses of ground and surface water in order to protect the Platte River.

"We anticipate that the water conservation measures being taken by the NRDs will keep the Platte River from becoming 'fully appropriated' within the next four years and hopefully never reach that status," said Winkler.

The new guidelines also include certification and description of the number of acres historically irrigated with groundwater in the hydrologically connected area by December 18, 2009.