

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: August 5, 2005

FROM: Steve Oltmans, General Manager

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- A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of July, 2005, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS**:
1. Attached is a "Thank You" note from Erin Tomaso, Director of Membership for the Durham Western Heritage Museum thanking the District for providing wildflower seed packets for a children's program about the Lewis and Clark adventures, the importance of clean air and water, saving animals and why we plant plants. Ms Tomaso states, "You were and continue to be a part of education that put a smile on children's faces while at the same time enhanced their awareness and wisdom."
- 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, 2005. 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 July 18, 2005. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **NEWS CLIPS**:
- ➔ June 17, 2005, Omaha World Herald article – Omaha soon to be on town's doorstep. A 1,062-home development would continue an advance on Bennington.
 - ➔ July 7, 2005, Dakota County Star article – Lake proposal gets thumbs-up in Dakota County
 - ➔ July 7, 2005, Dakota County Star article – Lake project union of recreation and conservation
 - ➔ July 8, 2005, Washington County Enterprise article – 'Bike to Boyer' set for July 16
 - ➔ July 10, 2005, Omaha World Herald editorial – Water 'rights.' Will a senator with courage and expertise please stand up for Nebraska?

- ➔ July 11, 2005, Omaha World Herald Article – Papio-Missouri NRD again plans special dam levy. The proposed projects are two lakes in Sarpy County, one in western Douglas County and one in the Bennington area.
- ➔ July 11, 2005, Omaha World Herald editorial – Low-water mark, maybe. Spring rains, late snows feed optimism that Mac will be Big once more.
- ➔ July 12, 2005, Burt County Plaindealer article – Funding uncertain for Lower Decatur
- ➔ July 12, 2005, Omaha World Herald article – Funding OK'd for Earth Day event.
- ➔ July 12, 2005, Omaha World Herald article – Water law reaches eastward. Eastern basins may join list.
- ➔ July 13, 2005, Omaha World Herald article – NRD panel bucks plan to let horses share trail
- ➔ July 13, 2005, Omaha World Herald article – New landmark rises along road to Blair
- ➔ July 15, 2005, Omaha World Herald editorial – Spending priorities wise. Papio NRD needs to extend tax to continue flood-control improvements.
- ➔ July 15, 2005, Omaha World Herald article – Horse trail to be added on Mo-Pac
- ➔ July 15, 2005, Omaha World Herald article – State regulators, cities closer to water agreement. Guarantees of minimum amounts for communities are on the table during negotiations.
- ➔ July 15, 2005, Blair Enterprise article – An instant landmark. Mail part of bowl for water tower lifted into place.
- ➔ July 16, 2005, Omaha World Herald editorial – More water laws aren't needed, written by Roger Patterson
- ➔ July 19, 2005, Lincoln Journal Star article – Group looks to extend popular trail. Recommendation include a 9.3 mile extension to the MoPac East Trail
- ➔ July 22, 2005, Omaha World Herald article – Park service's building rates gold
- ➔ July 23, 2005, Lincoln Journal Star article – NRD (Lower Platte South) give tentative OK to budget. District will need more taxpayer money for projects.
- ➔ July 25, 2005, Omaha World Herald article – Science lets nature aid in toxin cleanup. Trees will "drink" the contaminated water, then "exhale" it into the air.
- ➔ July 26, 2005, Omaha World Herald article – State's biggest wind farm nears first energy harvest
- ➔ July 26, 2005, Lincoln Journal Star article - \$2.1 million in grants awarded for water, wastewater projects.
- ➔ July 28, 2005, Omaha World Herald article – Farmers from Missouri fault river flow plan. They and others worry that a rise in the water level would flood farmland.
- ➔ July 29, 2005, Omaha World Herald article – Energy bill good for Midlands. A provision requiring refiners to buy 7.5 billion gallons of ethanol or other biofuels annually by 2012 should aid corn and soybean farmers.
- ➔ July 30, 2005, Omaha World Herald article – Congress gets projects going. Highway bill steers millions to state for bridges, roads.
- ➔ July 30, 2005, Omaha World Herald article – Congress gets projects going. Two Missouri River bridges south of Omaha get \$25 million.
- ➔ August 1, 2005, Omaha World Herald article – Need for city forester is all around, many say. "Anytime you have someone who by title pays attention to something, that thing gets done."

- ➔ August 2, 2005, Omaha World Herald editorial – The coalition fights back. Terns, plovers and sturgeons are doing much better, thank you.
- ➔ August 2, 2005, Douglas County Post Gazette article – August 10 meeting to focus on water regulations. The District ran box ads in the papers listed below for this Public Information Meeting:

July 28, 2005	Springfield Monitor
August 2, 2005	Douglas County Post Gazette
August 2, 2005	Blair Pilot-Tribune
August 3, 2005	Bellevue Leader
- ➔ August 3, 2005, Omaha World Herald article – Funding is sought for new water law. Gov. Heineman says he'll listen to all ideas on sources of money.

/pt/SO/GM Reports/2005/August

July 2005

Information & Education Report

Information

- ◇ Distributed news releases on Budget, LB 962 meeting and Hazard Mitigation meeting.
- ◇ Ordered signs for Dakota County Office
- ◇ Continued work on Back to the River Video.
- ◇ Continued work on imaging of information materials
- ◇ Continued work on new traveling display
- ◇ Finalized Summer SPECTRUM
- ◇ Produced article on Papio Partnership for Neighborhood Magazine
- ◇ Began preparations for Sarpy County Fair

Education

- Met with Bob Bodnar on permanent display for Visitor's Center
- Held 3 day LEP facilitator workshop; trained 15 facilitators
- Presented enviroscape to daycamp kids (~300)
- Arranged for Bellevue University volunteer to cleanout plots behind NRC
- Managed 78 volunteer hours
- Sent Central City Middle School supplies for their Environmental Studies Class
- Worked with NGPC and National PF to get NGPC staff to National LEP Workshop
- Worked with Marr's teacher to provide environmental ed presentations throughout the 2005-2006 school year (6 presentations planned)
- Met with Omaha Raptor Team and Prairie Construction about Flight Cages
- Continued working with KOB on Watershed Festival
- Continued working on signage for Flight Cages
- Planned PLT/WET/WILD/LEP workshops for 2005-2006



July 11, 2005

Papio-Missouri River
Natural Resources District
8901 S 154th Street
Omaha, NE 68138-3621

To Whom It May Concern:

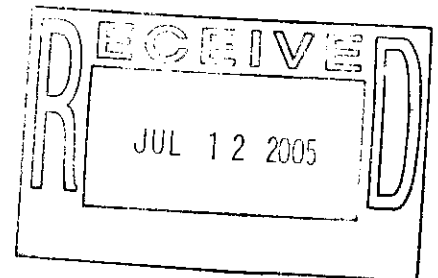
We recently hosted a program with the Sierra Club educating children about the Lewis and Clark adventures, the importance of clean air and water, saving animals, and why we plant plants. This program gave children the opportunity to plant seeds in a Dixie cup and bring the seeds home to plant in their own gardens. Your organization made this project possible. We would like to thank you for the generous donation of 200 packets of wild flower seeds to our organization. You were and continue to be a part of education that put a smile on children's faces while at the same time enhanced their awareness and wisdom.

Thank you for your efforts.

Respectfully,

A handwritten signature in cursive script that reads "Erin Tomaso".

Erin Tomaso
Director of Membership
Durham Western Heritage Museum
402.444.5071 ext 521
etomaso@dwhm.org



Updated: July 18, 2005

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)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
 - ★ Purchase Agreements, deeds (90th to Giles) (Tr. 19 deed, Tr. 23 easement) (W)
 - Interlocal Agreement with Sarpy County and Bellino (P)
 - ★ Trib Crossing Contract with EGA (W)
- **Western Sarpy Dike** (Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - Hansen ROW Condemnation (W)
 - Sale of Vosler and Grothe cabins (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - ★ Western Douglas County Trail – Ehrhart Griffin professional services contract (W)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
 - Lower Decatur Bend – Appraisal Review, ROW documents and habitat easements (P)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - Silver Creek Site Easements– as needed (F)
 - Release of Site S-7 Easement (W)
 - ★ Papio Site S-27 (Fox Ridge Estates) Trail Easements (P)
 - ★ Amendment to Pigeon/Jones Site 15 contract w/Olsson (N)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - Dam Site 19 agreement (F)
 - DS 13 Closing with Lyman-Richey Corp (P)
 - ★ DS 13 Agreement with Elkhorn and Omaha (P)
 - ★ DS 13 Easement with Metro Community College (P)
 - ★ Shadow Lakes Agreement with SIDs (W)
 - ★ Shadow Lakes lawsuit (W)
 - ★ Shadow Lakes Oversight/Review Agreement with HDR (N)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**
 - Heron Haven Agreement with “Friends of Heron Haven” (Becic) (W)

Omaha soon to be on town's doorstep

■ A 1,062-home development would continue an advance on Bennington.

BY JEFFREY ROBB *6-17-05*
WORLD-HERALD STAFF WRITER

The wide open spaces between suburban Omaha and Bennington would shrink dramatically with a proposed 1,062-home development.

The subdivision, called the Heritage, would be one of Omaha's largest housing developments, highlighting northwest Omaha's rapid growth through rolling hills and farmland.

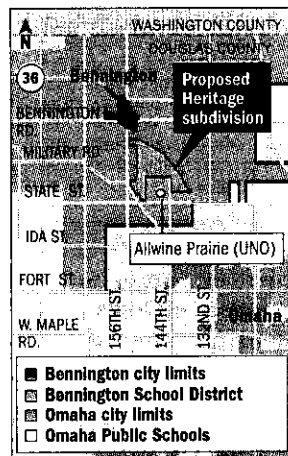
Not only would the 550-acre development bring Omaha to the doorstep of the small town of Bennington, it also would nearly surround a 160-acre prairie preserve.

The developers of the Heritage, who include Omaha executive and philanthropist Allan Lozier, are trying to get approval from both the Cities of Bennington and Omaha. In Omaha, the developers are working through issues to protect the Allwine Prairie Preserve, which is managed by the University of Nebraska at Omaha.

While the developers hope to use the area's scenic beauty to sell their project to home buyers, prairie supporters said the advance of the suburbs will forever change their refuge of native tall grasses.

"It will no longer feel like a prairie," said Tom Bragg, Allwine's supervisor and a UNO biology professor. "It will feel like a small parcel of prairie in a landscape of houses."

The Heritage is only one part of a housing boom between Fort Street and Bennington. It takes in
See Houses: Page 2



THE WORLD-HERALD

Houses: Supporters of prairie preserve concerned

Continued from Page 1

such developments as Waterford, Meadow Ridge and Stone Creek. Directly south of the prairie, grading is under way for another housing development.

Omaha has rarely seen development proposals as large as the Heritage, with its 1,062 homes northeast of 156th and State Streets.

Hillsborough, first proposed in 1991, is believed to be the last subdivision as big — 1,141 houses and townhomes at 144th Street and West Maple Road.

The Heritage would nearly link suburban Omaha and Bennington. The proposal is the first to span the line marking off zoning areas between Omaha and Bennington, which is why both municipalities have to approve the project.

Developer Mark Boyer, chief executive of Boyer Young Development, said the subdivision would be built in phases, with a range of homes, all custom built, from \$175,000 to \$500,000. It would include a park and green space near the Big Papio Creek, four ponds, ball fields and trails.

A pioneer cemetery will be preserved on one side, and the historic red Ackerhurst Dairy Barn will be on the other side, outside the development's property.

Boyer said the hills even offer a view of downtown Omaha.

"The ground itself is probably the most scenic I have seen in northwest Omaha," Boyer said.

The proposal has taken its first steps toward approval in Bennington. Mayor Skip Wolff said he foresees nothing on Bennington's end to hold up the project.

The Omaha Planning Board has discussed the proposal and could vote on it in August or September.

The development has been in the works for some time.

Jerry Banks, manager of the group behind the project, New Street LLC, said the family that owned about 400 acres in the area approached the developers about buying the property more than a year ago. The group bought other adjoining land from the Archdiocese of Omaha that was set aside for a cemetery.

Banks said he is an investor in New Street, as is Lozier.

Lozier is chief executive officer of Lozier Corp., a manufacturer of store fixtures. He and his wife also are the benefactors behind the Lozier Foundation.

New Street brought on Boyer Young to develop and market the Heritage.

A major development as a neighbor is exactly the opposite of what prairie supporters had hoped for. Bragg and his colleagues tried unsuccessfully to raise millions of dollars to buy the neighboring land for expansion and a buffer between the prairie and development.

The developers are making a good effort to protect the prairie, said Steve Jensen, Omaha's acting planning director.

Plans include 50 feet of open space and trails along the edge of the prairie. Three ponds will sit immediately off the prairie and collect rainwater.

Allwine officials have asked developers to move a number of housing lots so visitors couldn't see homes from the prairie. But developers said they wouldn't.

A UNO civil engineering professor also is reviewing plans for the retention ponds. But Boyer said his goal is for zero runoff to go into the Allwine Prairie.

Banks said the developers are doing everything they reasonably can.

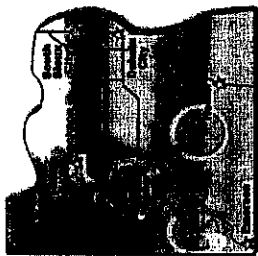
"Allwine Prairie is a wonderful, wonderful project," Banks said.

John McCarty, director of UNO's environmental studies program, said Allwine officials don't oppose the subdivision. But he said a lot of things could go wrong.

"We're just hoping we can do it right," McCarty said.

Mayor Wolff said the area's development is exciting. While he is watching suburban Omaha approach his 900-person town, he doesn't foresee annexation by the City of Omaha becoming an issue because Bennington isn't a threat. He said Bennington is a long way from 10,000 people, the point at which Omaha couldn't force annexation on the suburbantown.

"Why would Omaha really want to bother with us?"



DAKOTA COUNTY STAR

Dakota
County's
News Leader
Since 1909

Stabbing suspects
in custody
See page A2

Property tax increase
for Dakota County
See page A3

75¢

Two Sections 18 Pages Volume XCVII Number 18

July 7, 2005

Lake proposal gets thumbs-up in Dakota County

By Sarah LaBrune

Star News Reporter
E-mail: feature@dakotacountystar.com

Three families will have to move within the next few years due to a recreational area planned for northeast Nebraska in conjunction with the 32-square mile Pigeon-Jones Creek watershed.

While the project is moving along slowly, but surely, Tim and Amy Freeman already plan to move since their house at 1260 200th St. will be underwater when the project is completed.

"I'm going with it, because I can't fight it," Amy Freeman said. "Stuff like this, one person can't do anything. I might as well be proactive and since I heard about it in 1999 I've been very involved."

Merlin Buys, 1265 200th St. and Max Groves, 1864 M Ave. are the two other residents looking to relocate.

"The earliest estimate for construction to begin is 2008, which is probably a conservative effort," Nedl Stockfleth, a Resource Conservationist for the Natural Resources Conservation Service, said.

However, three of the planned 18 dam sites are under construction this summer and two were completed last summer.

"It's moving forward, it seems to be very positively accepted by landowners and local community," Stockfleth said. "Preliminary work continues to take place and applications for funding are being considered and design work is in the early stages."

Located 10 miles southwest of South Sioux City near the village of Hubbard, the \$7 million 200-acre lake will be surrounded by a 500-acre recreational area.

Mountain biking, equestrian and walking trails are just a few parts of the preliminary plan. A variety of camping spots, including those for RVs, equestrian and tent camping are also planned.

It will be a no-wake lake, therefore, only fishing boats will be allowed and there will be no swimming.

"Because of all the expense that goes with that," Stockfleth said. "Once you start getting into swimming there are a lot of things that go with that."

Freeman said 200th St. will be the approximate halfway mark on the dam. Boaters and walkers will

pass under the bridge while the equestrian trail will pass on top of the bridge.

In order to pay for the project, an application to the Natural Resource Commission has been

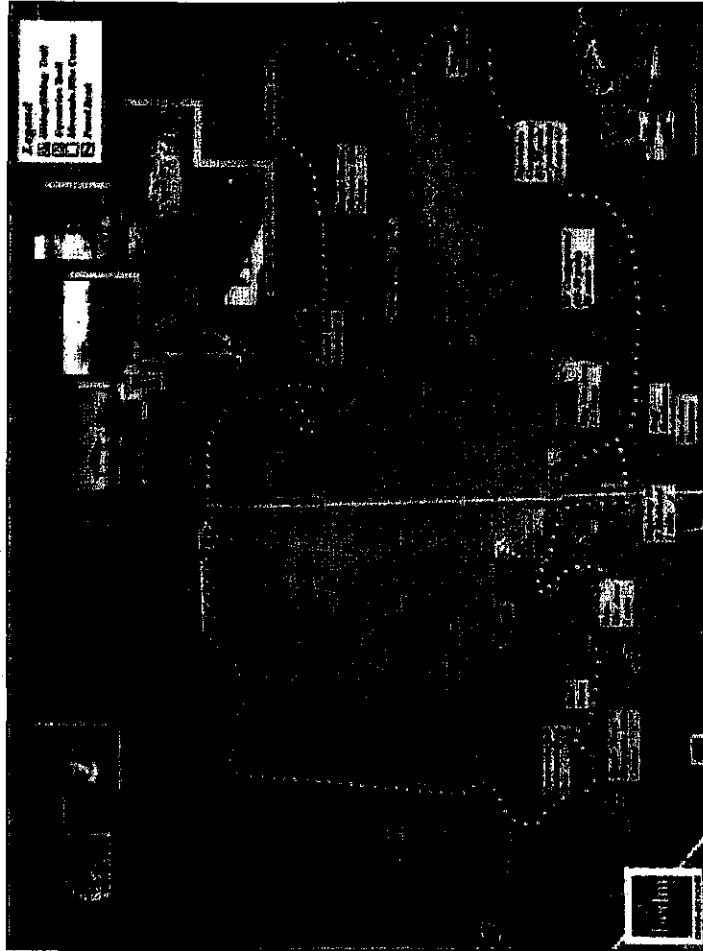
submitted asking them to cover 70 percent of the project's costs.

The Natural Resource District and Dakota County will also be asked to contribute to the project.

"It's a partnership, cooperative

effort to fund this thing with the largest part of this funding we hope to come from state grant programs," Stockfleth stated.

Meaning taxpayers should not worry about the project's costs at



(Drawing submitted by the Papio-Missouri River Natural Resources District)

this point, Dakota County will be asked to contribute funds to upgrade five road structures. Currently, there are five small old

See **NEW LAKE**
• page A3

NEW LAKE

• continued from A1

bridges that do not meet safety weight standards.

"By utilizing this program in combination with local funds allows the county to upgrade

those bridges to a much safer and low maintenance road structure," Stockfleth explained.

"Dams widen the bridge out with a pond on one side and have a nice safe crossing. It will be a side benefit if the county is willing to contribute extra funds."

The entire idea for the Hubbard Lake project came from an agreement when the Papio-Missouri District merged with the Pigeon Creek Drainage District to upgrade the drainage system on the Missouri River floodplain and erosion.

It will also create grade stabilization and erosion control in the uplands with 18 other dams

and road control. A reduction in gully erosion, livestock watering and rural fire control are a few of the advantages.

"Rural fire departments can obtain water without having to go back to town," Stockfleth added. "It just works very well right in that spot."

The target completion date is 2010.



Vince Kramper, a member of the Natural Resource Commission, stands in front of a construction site for one of the 18 dams scheduled to be built in preparation for the Pigeon/Jones Creek dam project. The site is located near Hubbard on land owned by Jim Hartnett. (Photo by Kristi Quinn)

Lake project union of recreation and conservation

By Kristi Quinn

Star General Manager

E-mail: news@dakotacountystar.com

Vince Kramper, rural Dakota City, speaks with excitement and pride concerning the Pigeon/Jones Creek Dam Site project. The project is the union of economic development and natural resource conservation.

Kramper, a longtime farmer in Dakota County, serves on the Natural Resource Commission. An application has been made to the Natural Resource Commission to assist with a major portion of the \$7 million project. Kramper is optimistic about the commission's reaction to the application. "They are very positive about what we are doing up here," he said.

Not only will the Pigeon/Jones Creek Dam Site offer unique recreational opportunities, but also the constructive conservation purposes are persuasive. The project will address flood control and sediment reduction and the dam will reduce storm flows to the levee system by 20 to 30 percent.

"We have been beating the

bushes talking to folks to find out what needs to be done," said Kramper. He commends the work of the Papio-Missouri Natural Resource District (NRD) and the Natural Resources Conservation Service (NRCS) on their partnership in serving as a primary source for technical expertise and assistance in addressing the project's resource needs and priorities.

"The Dakota County people are so cooperative on this project," Kramper said. "This feels right. The majority of the people I have talked to are for the project."

Dakota County Commissioner and Hubbard native Jackie Hartnett said, "This is an attractive project and will help the whole of Dakota County. It will be a huge draw to bring people into the area. I see it as a win-win situation for the county."

Marguerite Cain, owner of the Hubbard Mini-Mart said, "I think it will be an awesome boon for my business."

Kramper, a 12-year veteran on the Natural Resource Commission, has been working

See STRONG SUPPORT

• page A2

Dakota County Star

7/7/05

STRONG SUPPORT

• continued from A1

with Dakota County conservation for 50 years. "I really enjoy it. I represent the whole state. I have been to places in Nebraska I didn't know existed."

Along with the work of NRD there is the Pigeon Jones Creek Watershed Advisory Committee, which has been meeting to discuss how the new lake would

affect landowners and the community as a whole.

"It's locally driven in that we got 10 to 15 people on the committee that are talking how can we benefit from that area," Neil Stockfleth, a Resource Conservationist for the Natural Resources Conservation Service, said.

'Bike to Boyer' set for July 16

Enterprise
7-8-05

Bike riders of all ages and abilities are invited to take part in a special event to mark Fort Calhoun's sesquicentennial.

The "Bike to Boyer" ride will be held Saturday, July 16. Two separate rides are planned: one, a 26-mile tour which will provide nature viewing opportunities as riders travel to Boyer Chute, then follow a ridge top country lane back to Fort Calhoun; and the second, a "family fun ride" of approximately 7.5 miles to Boyer Chute and back with just one hill (as riders return to Fort Calhoun).

A pancake breakfast - open to everyone - will kick off the event and will be served between 7 and 9:30 a.m. at St. John the Baptist Catholic Church in Fort Calhoun.

Riders will depart from the church between 8:30 and 9:30 a.m. and will travel the scenic route to Boyer Chute National Wildlife Refuge.

All riders who arrive at the refuge by 10 a.m. will be eligible for a free drawing to win a boys or girls bicycle. Concessions will be available at the refuge.

Registration forms are available online at boyerdesotofriends.org or boyerchute.fws.gov and at several area businesses.

Those who do not have bikes are invited to have breakfast and visit the refuge. Binoculars are encouraged to help spot the 241 species of birds that visit the refuge.

This event is sponsored by the Friends of Boyer Chute & DeSoto NWR. Proceeds will support ongoing projects at the refuge.

For more information, call Lori Amberg, 426-1353, or Larry Brooks, 896-0284.

OMAHA DAILY HERALD FOUNDED 1865
 OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885
 OMAHA WORLD-HERALD FIRST PUBLISHED JULY 15, 1889

Sunday World-Herald

JOHN GOTTSCHALK, Publisher

LARRY KING, Executive Editor FRANCIS L. PARTSCH, Editorial Page Editor

DEANNA J. SANDS, Managing Editor GEITNER SIMMONS, Deputy Editorial Page Editor

Water 'rights'

The depth of the hole Nebraska has dug for itself can be discerned from two Department of Natural Resources statistics: Between 1993 and 2004, 11,682 new groundwater irrigation wells were drilled across the state. And between 1970 and today, the number of wells rose from 39,660 to nearly 100,000.

Two State Supreme Court decisions on groundwater regulation, the latest made public Friday, didn't really make the hole any deeper.

What the decisions did was make crystal clear who is responsible for getting the state out. Not the Department of Natural Resources, which the court twice ruled had no jurisdiction over groundwater. But rather the Legislature, which has slipped and shimmied and slithered around this politically charged land mine for decades.

The problem, simply, is how groundwater and surface water are seen by state law. Though in reality they are inextricably entwined, the law treats them as separate resources.

Even Legislative Bill 962, passed last year to begin addressing the situation, maintains the division: The DNR is responsible for surface water and the system of senior and junior irrigation rights. The state's 23 natural resources districts are responsible for groundwater.

The first ruling came in a suit filed against the DNR by the Central Nebraska Public Power and Irrigation District in Holdrege, Neb. District officials claimed that groundwater wells in the Platte River basin above Lake McConaughy were taking up to 100,000 acre-feet of water that rightfully belonged in the lake, which Central manages. The district argued that state law and the constitution gave the DNR authority to regulate groundwater as well as surface water for the good of all Nebraskans. The Supreme Court disagreed.

The court, in its written decision, said it found "no statutory authority or case law that supported applying surface-water appropriations to groundwater." The court also noted that while "most legislatures in western states had developed comprehensive appropriation sys-

**Will a senator
with courage
and expertise
please stand up
for Nebraska?**

tems . . . , in Nebraska, the Legislature has not" This situation leaves surface-water and groundwater users to battle conflicts out on their own.

But surface-water irrigators don't have the ammunition, as Central recognized in its lawsuit. The irrigators it serves via releases from Big Mac get water only when it is there. As upstream underground well irrigators suck water out of McConaughy, less water remains for Central's surface irrigators. The court's ruling, in effect, makes all irrigators with underground wells, even one dug yesterday, senior in water rights to all surface-water users, no matter how longstanding their water rights.

The high court's Friday ruling was against Spear T Ranch near Bridgeport, Neb., which had wanted the state to stop underground irrigators from drying up Pumpkin Creek, leaving the ranch no water. While a previous court decision said that Spear T could sue well owners, in this instance the court found, as it did in the Central case, that the DNR had no authority to regulate underground water wells. Suits are expensive and time-consuming. Hundreds, perhaps more, could be filed by Nebraska's surface irrigators against their neighbors.

Surface-water seniority means first in time, first in right. Is there no way to integrate groundwater rights into that system, so that however an irrigator gets his water, the irrigator with the oldest rights — well or surface — gets first call, and so on down the line?

Or perhaps there are better, but still practical, ideas out there. Certainly, ideas and action are needed, before irrigators begin flinging lawyers, or worse, at each other.

The finger pointed at the Legislature by the State Supreme Court is compelling. Most other states have long since managed to integrate their laws regarding groundwater and surface water.

Is there no lawmaker with expertise in agriculture or natural resources, no knowledgeable and courageous state senator, who will step up and lead the way to do what's right for all of Nebraska?

Metro Omaha & the Region

Papio-Missouri NRD again plans special dam levy

■ The proposed projects are two lakes in Sarpy County, one in western Douglas County and one in the Bennington area.

BY NANCY GARDNER
WORLD-HERALD STAFF WRITER

Again this year, the Papio-Missouri River Natural Resources District is poised to approve a budget that draws heavily on the property tax to fund dam construction in the Omaha metro area.

Altogether the district hopes to spend about \$7 million on four

dams. Three have been announced: Midlands and Shadow Lakes in Sarpy County and a new lake near 192nd Street and West Dodge Road in Douglas County. A fourth lake is in the planning stages in the Bennington area.

Dams account for about 22 percent of the proposed \$31.6 million budget.

Last year was the first time that the NRD board increased its

property tax levy by 1 cent to build dams. Unlike last year, there are no plans to vote separately on the 1-cent levy, said Steve Oltmans, NRD general manager.

Instead, the special dam levy will be folded into the overall tax levy, which is likely to be about 4.02 cents per \$100 of assessed valuation. That is slightly below last year's level. At the new amount, the owner of a \$100,000 home would pay \$40.20 cents a year in NRD property taxes.

Oltmans said he anticipates that the 1-cent dam levy will remain in place for a number of years. The district hopes to build

What's your opinion?

Budget discussion, 8 p.m.
Thursday at the NRD
headquarters, 8901 S. 154th St.

10 dams in the Omaha area. Two large lakes proposed for Washington County are controversial.

A public comment session on the budget has been scheduled for Thursday. In August, the board will hold a formal hearing and then vote on the budget. The fiscal year began July 1.

As in years past, Oltmans is

asking his board to increase spending on state-restricted operations by 3.5 percent.

State law limits local governments to 2.5 percent increases for certain expenses — salaries, insurance, equipment — but permits another 1 percent if 75 percent of the local elected officials vote to do so.

Oltmans' request is an annual one that the NRD board grants about half the time.

The extra money is needed, Oltmans said, because costs are rising. Additionally, the growth helps the district in future years because the budget becomes the new base against which future

2.5 percent limits are measured. Among the major projects in this year's budget:

■ Converting the West Papio Creek, from 36th Street to Interstate 80, to a flood control channel.

■ Trail construction on the Mo-Pac Trail from Nebraska Highway 50 to the Lied Bridge and along the Missouri River from N.P. Dodge Park to Ponca Road.

■ Levee improvements along the Platte River near Ashland, Neb.

The budget also would significantly reduce the funding for the annual Earth Day Festival.

W 4
7-11-05

Low-water mark, maybe

Even though they lost in court, Lake McConaughy's owners and neighbors are feeling more upbeat these days. The skies at last

have opened, both east and west.

Big Mac greeted an average of more than 26,000 revelers each day of the Fourth of July period with water levels five feet higher than those at the same time a year ago.

Central Nebraska Public Power and Irrigation District spokesman Tim Anderson offered welcome reassurance when he said that unless "it goes completely hot and dry," the lake should end the summer higher than the puny 8 percent of capacity forecast last fall.

Conservation measures by those willing to take them have unquestionably played a role, starting with Central's decision to cap 2005 water deliveries to irrigators in three central Nebraska counties at 6.7 inches.

The U.S. Fish and Wildlife Service also helped out by passing for a third straight year on releasing water

**Spring rains,
late snows
feed optimism
that Mac will be
Big once more.**

from its Big Mac environmental account to aid Platte River habitat.

As always, though, Mother Nature plays the biggest role. Late

snowfalls and heavy rains in Wyoming in April and May have started at last to refill upstream reservoirs. Inflows to McConaughy, while far below average, are twice last year's levels.

Rain clouds have been generous and timely also in Central's irrigation area, allowing the district to avoid releasing water for irrigators until June 28.

The last drought that drained McConaughy this far lasted five years in the 1950s. The lake needed six years to refill. While upstream groundwater pumping could lengthen the recovery this time, the great drought seems to be letting up just about when it did a half-century ago.

Perhaps — knock on the side of Kingsley Dam — Micro Mac will remain a theoretical nightmare only. Bravo to the water-savers.

Funding uncertain for Lower Decatur

It may mean everything and it may mean nothing.

A \$3.552 million line item in the Senate Energy and Water Appropriation bill for the 2006 fiscal year could mean the awakening of the long dormant Lower Decatur Bend project in northeast Burt County; or it could be another bump in the night for three landowners in the area.

The U.S. Senate last week passed the Water and Energy Appropriations bill. It included \$3.552 million earmarked for the U.S. Army Corps of Engineers for work on the environmental and habitat renewal project.

A spokesman for Senator Chuck Hagel said the money is not sure to be delivered. A similar bill was passed June 20 in the House of Representatives, but the House bill didn't contain the same appropriation. The two versions will be the subject of a House-Senate conference committee where specific language in each version of the bill is addressed. Committee members have the authority to strip portions of the bill in order to create legislation upon which both houses can agree. A date for the conference has not been set.

A spokesman for the Corps of Engineers in Omaha, Dave Brandon, said he was optimistic the project would proceed, but whether the money would survive the conference was "anybody's guess."

He said similar projects have been very popular nationwide, so popular that the Corps had more projects than money.

"We didn't do anything last year that wasn't specifically

named by Congress or an ongoing project," Brandon said. "The sponsoring agent (Papio Missouri River Natural Resources District) did a good job in going out and getting Congressional support."

A "Back to the River" initiative, Lower Decatur is designed to restore some of the Missouri River's natural character sacrificed when it was channelized for barge navigation and flood control.

The project, which carries a construction cost of up to \$5 million according to Corps estimates, is a joint effort between the Papio-Missouri River Natural Resources District and the U.S. Army Corps of Engineers, the body responsible for managing the river. Because it is the sponsoring agency, the NRD must provide the necessary right of way and one-fourth of the money, approximately \$1.5 million. The rest comes from federal sources.

The NRD requires three parcels to allow enough room for the 745-acre project. The NRD seeks the land because it is among the few places along the river where a restoration project can be successful. The Lower Decatur Bend area was identified as one of a dozen priority areas when over 40 Missouri River Corridor project sites were identified in 1989.

The project has been stalled for more than four years, thanks to loss of staff by either the Corps, the NRD or the engineering companies involved. The NRD also has been working to obtain property rights to 540

acres of land from three private owners: Mike Williams, Mike Olson and Tob-Isle, Inc., some of which has been held by the same family for generations.

Project talks began in 1997. Original projections had the project complete by late 2000 but, to date, less than 200 acres has been acquired. A purchase of 22 acres of private land made in 2001, was the first—and last—made for the project. The rest of the right of way is made up of land the NRD owns or took in trade from Iowa.

The construction work also has been slightly redesigned over the years to save money.

An NRD spokesman told the Plaindealer the district is taking a "wait and see" approach to the news of possible federal funding.

"If it happens, great," said Environmental Coordinator Jim Becic. "If the Corps still has the funds after the conference, we'll have to sit down with the various agencies and see what we can do."

Becic said the project could go several different directions, regardless of the level of participation by the Corps. The Natural Resources Conservation District is considering a project in the area similar to the NRD/Corps joint venture.

Landowners have requested granting an easement for their respective property, instead of selling it outright, in an attempt to control future access to the project site. Although the NRD has no plans to develop the area for public use, it could turn man-

(Continued on Page 3)

Senate okays funding

(Continued from Page 1)

agement of the property over to another body, such as the U.S. Fish and Wildlife Service, which would be free to do as it wished.

The Natural Resources and Conservation Service (NRCS) proposal offers different easement language which, Becic said, may be "more palatable," to the landowners. Both the NRCS and the NRD have funding available for their portion of the job, Becic said, but he estimated the \$3.5 million the Corps could receive from the appropriations bill is short of the amount needed for construction.

Brandon said the Corps is ready to proceed with the project regardless of which agency secures the necessary land.

"We're trying to make it as good for the landowners as it can get," Brandon said, "and as good for the project."

Becic said a meeting with landowners also will be a part of the project moving forward, regardless of which direction the project takes, if any.

Funding OK'd for Earth Day event

Omaha's Earth Day festival has gotten a financial reprieve.

On a 6-5 vote, the Papio-Missouri River Natural Resources District recently decided to continue its support of the festival.

The NRD has been the festival's largest donor.

Last month, a board committee voted to cut the district's \$5,000 donation by \$4,000. Some board members objected to the political nature of some booths and flyers; others didn't like spending tax dollars on festivals.

The full board subsequently rejected the committee recommendation.

Voting to continue with full funding were Fred Conley, Rick Kolowski, Dorothy Lanphier, Joe Neary, John Schwope and Jim Thompson. Voting against full funding: John Conley, Tim Fowler, Rich Tesar, Dick Connealy and Rich Jansen.

Festival organizer Cammy Watkins said the organization will work to address the NRD's concerns while not infringing on freedom of speech.

The board will discuss its proposed budget Thursday. The meeting begins at 8 p.m. at district headquarters, 8901 S. 154th St. — Nancy Gaarder

Water law reaches eastward

7-12-05
By DAVID HENDEE
WORLD-HERALD STAFF WRITER

Eastern Nebraska soon will feel the impact of a state law designed to keep water flowing in house faucets, farm irrigation pipes, streams and rivers.

The State Natural Resources Department published a draft Monday of the proposed rules it will use later this year to determine whether water flowing in streams or found in underground aquifers in eastern Nebraska is fully appropriated. That designation means ex-

panded use would erode available supplies for existing users.

A total of about 70 percent of the state's land mass could be considered fully appropriated or overappropriated after the state acts this winter, said Don Blankenau, a Lincoln water attorney.

Only a strip along the Missouri River in far eastern Nebraska might be mostly unaffected.

"It means no new net development," said Blankenau, who sat on the committee that
See Water: Page 2

Changes on tap?

Rules governing the use of water could affect development in huge sections of Nebraska, possibly including these towns:

Hyannis, Thedford, Mullen, Burwell, Ord, Petersburg, Greeley, Columbus, Atkinson, O'Neill, Neligh, Pierce, Beemer, Norfolk, Battle Creek, Wayne, Plainview, Oakland, Madison, Wisner, Fremont, North Bend, Schuyler, David City, Wahoo and Yutan.

Water: Eastern basins may join list

Continued from Page 1
drafted the proposed rules.

The Loup, Elkhorn and Lower Platte River Basins could be added to the list of watersheds designated as either fully appropriated or overappropriated, said Ann Bleed, deputy director of the State Natural Resources Department.

The watersheds already designated are in western Nebraska and parts of central Nebraska.

* In all cases, the designations trigger a process for local natural resources districts and the State Department of Natural Resources to develop a plan jointly to manage surface water and groundwater. In extreme cases, irrigators are allocated a limited amount of water for crops and must put meters on their wells.

"The concept here is to catch a basin at a point where it is not overappropriated," Bleed said. "If we can do that, then we shouldn't have to ask people to cut back on their existing uses."

The proposed rules are the result of the state's year-old water law, passed last year as Legislative Bill 962. The Department of Natural Resources must determine by January which new areas of Nebraska are fully appropriated.

With few exceptions, one immediate effect of being declared fully or overappropriated is a ban on new well permits and well construction. A farmer also cannot increase the acres of cropland under irrigation.

New water uses in areas designated as fully appropriated are permitted only if an existing water user gives up an equal supply.

"It will be new to a lot of people," Bleed said. "But the plan isn't something that has to be put into place all at once. It's not set in concrete. It can change."

For example, some NRDs exempt domestic wells on farms and acreages from regulations.

Still, small towns that need water for new businesses must deal with regulations requiring that new uses be offset by retiring existing uses, and it puts NRDs in the middle of water conflicts, Blankenau said.

To learn more

Public hearing: 9 a.m., Aug. 11, Holiday Inn Convention Center in Kearney.



ON OMAHA.COM

The rules, a PowerPoint presentation on the proposal and the complete hearing notice.

NRD panel bucks plan to let horses share trail

7-13-03
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

More than 450 people signed petitions and about 35 sent letters or e-mails asking the Papio-Missouri River Natural Resources District to open a portion of the Mo-Pac Trail to horse riding.

But the efforts appear to have been unsuccessful in convincing NRD board members that horse riders can safely coexist with bicyclists and other trail users between Springfield and the Platte River.

Vicki and Kirk Fraser, who led the effort, said the five-mile section, with its rural setting and crushed limestone surface, is ideal for horse riding. The existing trail could be adapted for less than \$9,000, they said.

The NRD management is recommending that a new trail be built alongside the existing one at a cost of \$66,000 — contingent upon the horse-riding community contributing half the money.

Vicki Fraser said a second trail would destroy the beauty of the existing one, making that option unpalatable.

When it became clear that the board committee would not consider allowing the trail to be shared, an emotional Fraser asked to speak again.

The district spends hundreds of thousands of dollars a year on hiking-biking trails, she said, but almost nothing on horse trails.

"We're the ones who need it," she said. "Why the discrepancy?"

Board chairman Rich Jansen, who also is a farmer, said the trail doesn't provide enough room.

The Frasers said other communities have allowed horses on hiking-biking trails without serious incident.

After Fraser rejected the idea of a costly second trail, the committee voted 4-2 against management's recommendation that the second one be built. The full board will vote on the idea Thursday.

+ 



Landmark Construction workers operate hydraulic lifts Tuesday to raise into position the large tank of a new water tower south of Blair. KILEY CRUSE/THE WORLD-HERALD

New landmark rises along road to Blair

7-13-05
By MARION RHODES
WORLD-HERALD STAFF WRITER

BLAIR, Neb. — Drivers now have a highly visible sign that they're about to enter the city of Blair.

Logos for the city, the public schools and a private college greet motorists from a water tank that was raised Tuesday about 1½ miles south of town.

With the 1 million gallon tank in place, it won't be long before some residents in southeast Washington County will get water through a new, roughly 40-mile rural water distribution system.

The \$3.5 million system, which also includes a pump station under construction in Blair, is being built by the Papio-Missouri River Natural Resources District.

The system is expected to play an important role in the area's growth.

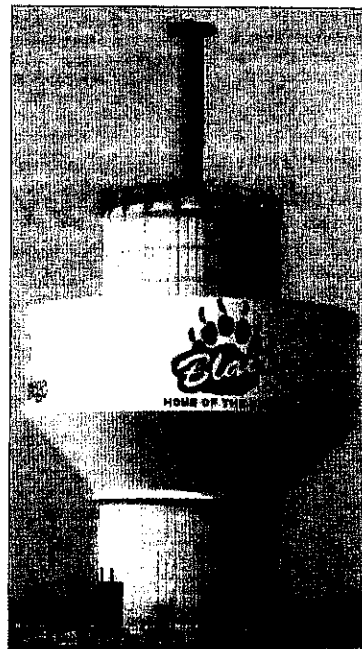
Promises of more and cleaner water, an emergency backup system and improved fire protection in some areas are expected to draw more homeowners into the countryside.

Motorists on Nebraska Highway 133 had been seeing signs of the coming tower for weeks as the welded steel water tank was built around the base of a concrete pedestal at the site.

Workers painted on the green tree of the Blair city logo, the purple paw print of the Blair Bears and the red letter "D" for Dana College.

Tuesday they used a hydraulic jack to raise the tank into position. At a speed of about 16 inches per minute, steel cables lifted the tank to the top of the 140-foot tower. After about two hours, the bowl was in place.

The tower is Blair's first elevated water tank. See Tower: Page 2



KILEY CRUSE/THE WORLD-HERALD
The Blair Bears team symbol is one of three local logos that adorn the new water tower's tank.

Tower: Logos identify city

Continued from Page 1
vated water tank. The city's current water supply comes from three ground reservoirs.

Dick Sklenar, special projects coordinator for the natural resources district, said the district expects the rural water system to be running in late fall.

The Blair tower will be its main source of water, Sklenar said. The pipelines also connect to the Metropolitan Utilities District for emergency water backup should Blair's plant be

disabled.

The NRD and Blair shared the \$1.4 million construction cost for the tower. Blair, which will assume ownership, took over 80 percent of the cost, while the district paid 20 percent.

Contractors will continue to work on the tower for the next six weeks. They still have to finish the inside of the pedestal, which will house a maintenance shop and electronics room.

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Spending priorities wise

Board members of the Papio-Missouri River Natural Resources District again are looking at a 1-cent addition to the district's property tax to continue planning and building flood-control dams in the Omaha metropolitan area. The work is vital to the area's continued growth and safety.

The penny would not increase the district's property-tax levy; it is merely an extension of last year's appropriation. The proposed levy of 4.02 cents per \$100 of taxable value, to be considered at a public hearing and voted on by the board next month, is slightly lower than this year's amount.

However, Steve Oltmans, general manager of the NRD, said that because of increased valuations, the district actually would be collecting slightly more money.

The district's new budget contemplates more of the private-public partnerships it has used in the past to stretch public money to cover necessary improvements to the flood-control system. In Bennington, for instance, Prairie View Lake and Recreation Area was developed by a private company, which contributed to construction of a dam and lake needed to help protect downstream Papio Creek from flooding.

Flood protection on the Papio is becoming increasingly problemat-

**Papio NRD
needs to extend
tax to continue
flood-control
improvements.**

ic. As more development results in more streets, buildings and parking lots, rain falling in the watershed runs off quicker and in greater quantities be-

cause there is less open land for it to soak into. That means the creek carries more water that moves faster. The threat of flooding grows as development spreads.

The district's flood protection plan was devised nearly 40 years ago. Portions of it, such as Cunningham Lake, have existed for decades. Now, the NRD is trying to complete enough of the rest of the system to protect the city well into the future. At least three projects in Sarpy and Douglas Counties and a larger venture in Washington County are in the planning stages. Others will be considered as time and funds are available.

Public-private partnerships are often good deals for citizens, who pay less for an important flood-control structure while gaining a park or recreational opportunity.

The NRD has proved to be a wise conservator of the taxpayer's money in the past, and this latest budget proposal seems to continue that trend. Planning for the area's future safety from floods is important to sustaining continued growth and the quality of life in the Omaha area.

The NRD's spending priorities deserve its board's support.

Horse trail to be added on Mo-Pac

7-15-05

By NANCY GAARDER

WORLD-HERALD STAFF WRITER

Horse enthusiasts will get a new riding trail after all. Now the question is whether cyclists and walkers will end up with a less attractive one.

The Papio-Missouri River Natural Resources District board on Thursday approved building a five-mile horse trail alongside the Mo-Pac hiking-biking trail from Springfield to the Platte River.

The board did so at the request of Vicki and Kirk Fraser, who represent more than 450 people seeking the horse trail.

The Frasers previously had asked that horses share the existing trail with cyclists and walkers. Adapting the trail would have saved more than 85 percent of the cost of adding a

horse trail, and it would have reduced the need to cut down trees and otherwise damage the trail's aesthetics.

On Tuesday, an NRD board committee rejected a shared trail, prompting Fraser to say that she'd rather have no trail than damage the existing one. The committee obliged and voted down a separate trail.

At Thursday's full board meeting, Fraser reversed herself.

"My husband told me I may have fallen on my sword too quickly," she said, adding that she trusted the NRD to minimize damage to the trail.

Fraser said the Nebraska Game and Parks Commission appears able to provide a \$33,000 grant that would cover the horseriders' share of the

\$66,000 trail. The NRD will pay the other half.

The board overrode the committee's decision and approved the separate trail.

Also on Thursday, the board gave tentative approval to a \$31.5 million budget that takes the district a step closer to building two controversial flood-control lakes in Washington County. The board voted 7-3 to include \$625,000 in the budget to design the two lakes.

Washington County resident Jennifer Andersen objected to the budget item, saying it was premature given opposition to the lake. Two men representing area bass fishermen endorsed it.

State regulators, cities closer to water agreement

By DAVID HENDEE

WORLD-HERALD STAFF WRITER

YORK, Neb. — Nebraska cities and state regulators moved closer to agreement Thursday on establishing minimum levels of water guaranteed to communities, regardless of whether they are suffering from drought or other shortages.

The progress comes one year after a new state water law — designed to anticipate and prevent conflicts between groundwater and surface-water users — came into effect July 16, 2004.

At that time, the City of Sidney and other western Nebraska communities warned that the law was skewed in favor of agricultural interests and limited a community's ability to grow and attract new business.

Progress was made Thursday at a State Water Policy Task Force subcommittee meeting, said Don Blankenau, a Lincoln attorney who represents the League of Nebraska Municipal-

Guarantees of minimum amounts for communities are on the table during negotiations.

ties.

The group discussed a two-pronged solution, although specifics were not resolved.

"Details are the difference between noise and music," Blankenau said. "We've got to get the details right."

Part of the proposed solution calls for the Nebraska Department of Natural Resources to adopt rules and regulations to reserve a minimum amount of water for communities not in basins whose water supply is designated by the state as fully or overappropriated.

The baseline would be the greater of the amount of water the community is permitted to pump or its projected uses for at

least 20 years.

For example, the City of Fremont may have a permit to use 20 percent more water than it now uses. Growth trends may suggest that the city will increase its water use by 25 percent in the next 20 years.

The city's baseline use will be the greater of the two totals. Any future restrictions on groundwater pumping or farm use, for example, could not reduce the city's water ration.

The other half of the solution — which generated the most discussion — would recommend establishing in state law a minimum allocation of water to cities in areas whose supply of surface or underground water has been designated as fully or overappropriated. The allocation would give cities an amount of water at least equal to a similar tract of irrigated farmland, but not less than 13 inches per acre.

For example, Ogallala lies in the overappropriated portion of the Platte River Basin. The city

may cover 1,000 acres and have two groundwater transfer permits. It would receive a minimum annual allocation that is the greater of 13,000 acre-inches (353 million gallons) or the cumulative amount of its two groundwater permits.

York City Administrator Jack Vavra said he supported the idea of allocating cities at least as much water per acre as farmers put on corn because he said many cities have been frugal with water. Establishing a statewide average allocation per person would penalize cities that have been conserving water, he said.

Roger Patterson, the state's natural resources director, said he liked the Big Blue Natural Resources District's rules for allocations: a blend of allocating gallons per person per day, plus inches per acre on certain land within the cities.

Committee members approved the solution's concept. Details will be considered at an Aug. 11 meeting in Kearney.

An instant landmark

Main part of bowl for water tower lifted into place

It's going to be easy to know when you're getting close to Blair from now on.

The main part of the bowl of the city's new water tower was lifted into place on Tuesday morning. The tower can be seen from Nebraska Highway 133 and U.S. Highway 30.

It took about 2.5 hours, to lift the structure into place. Work is scheduled to begin next week to put the top on the bowl, which will hold 1 million gallons (8.5 million pounds) of water, said Roy Reynolds, superintendent of the project for Landmark Structures, which is building the \$1.38 million tower.

First, a crew from Landmark will weld and paint the inside of the bowl. The Texas-based company is building the tower as the centerpiece of the rural water system going in south of Blair in Washington County.

The tower, which sports the logos of the city of Blair, the Blair Community Schools and Dana College, is scheduled to be filled with water beginning on Aug. 22.

The water tower will serve participating rural water customers in an area between Highway 133, U.S. Highway 75 and County Road P32. The water will be supplied from Blair as part of a 25-year agreement between the Papio-Missouri River Natural Resources District and the city.

As the water tower work nears completion, work progresses on the system of pipes that will carry the water to participating rural customers south of Blair.

Project manager Dick Sklenar of the NRD told the Washington County Board on Tuesday that construction crews have taken advantage of dry weather to catch up on the project and may even make the Aug. 15 deadline to have the pipe in place.

Wet weather and other factors had pushed the project behind schedule earlier in the year.

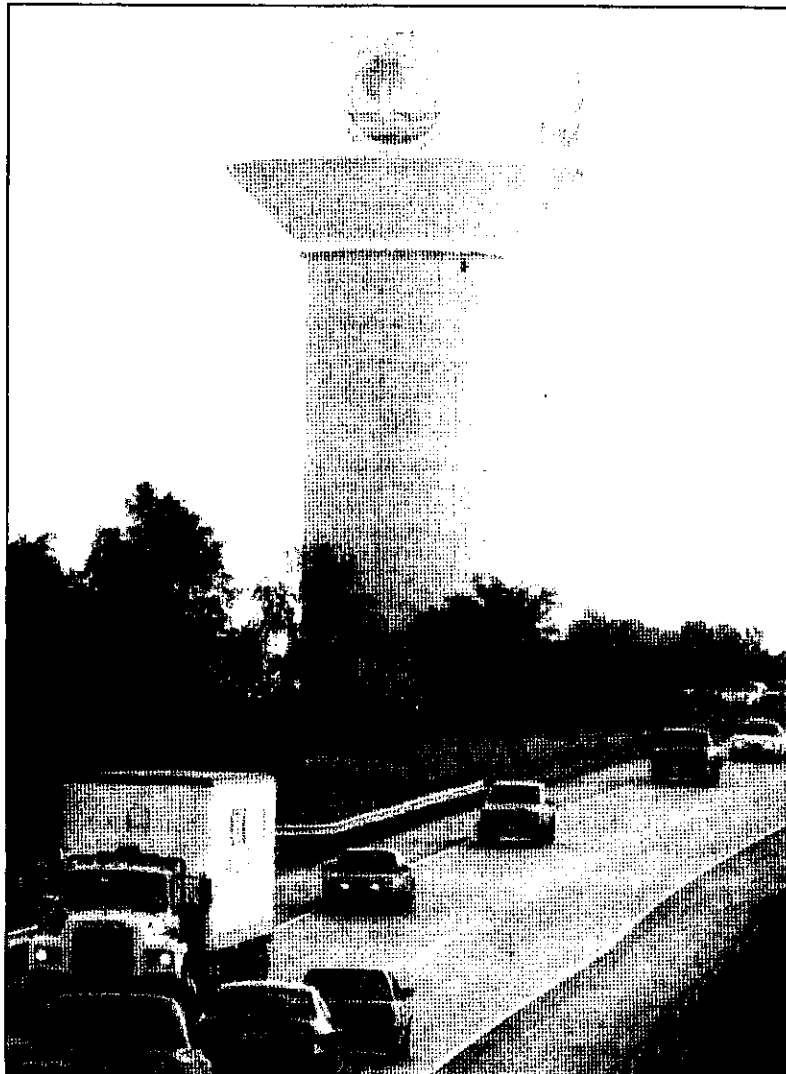
The new rural water system will include about 15 fire hydrants, which three volunteer fire departments in the area paid to have installed to increase fire

safety in that area of the county, Sklenar said.

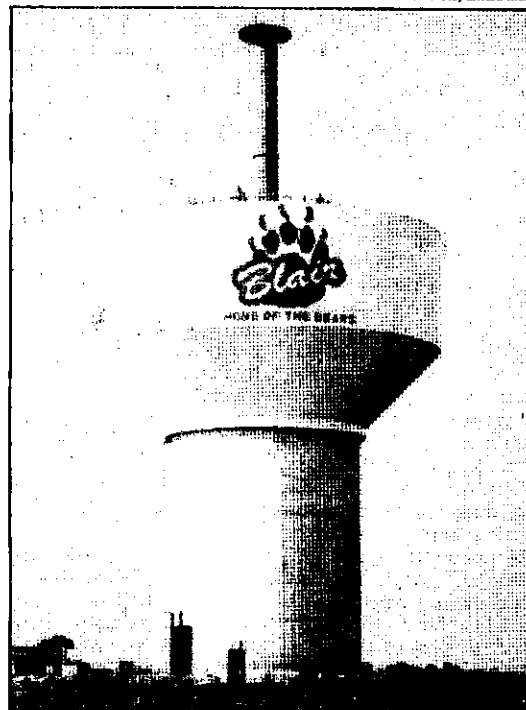
In addition, the system will have 20 to 30 "poor man's hydrants," as Sklenar called them. They are simpler structures that will be used to flush the system periodically. Fire hoses can also be attached to them in an emergency, Sklenar said.

Sklenar said the city of Blair will operate the water tower. The NRD will own it for 10 years, while the city pays off its part of the costs, then the NRD will deed the tower to the city. The city, the NRD and Washington County are partners in the projects.

Sklenar said the rural water project is picking up two or three new hookups each month.



The new water tower will watch over traffic on Highway 133 south of Blair. Right, the bowl is lifted into place on Tuesday. It took about 2.5 hours to raise it up.



More water laws aren't needed

DW# 7-16-05

BY ROGER K. PATTERSON

The writer, of Lincoln, is director of the Nebraska Department of Natural Resources.

While I have found World-Herald editorials on water issues to be generally well thought out and factually correct, I believe that the July 10 editorial, "Water rights," missed the mark in calling for additional legislation.

The two recent decisions by the Nebraska Supreme Court should come as no surprise. The court simply upheld our current system of regulation in Nebraska.

Surface water is regulated by the state using the prior-appropriation system of "first in time is first in right." Groundwater on the other hand, is regulated at the local level by the natural resources districts using the correlative-rights doctrine, or "share and share alike."

The real question should be: Is this the best approach to managing Nebraska's water?

Forty-nine citizens from across the state worked for 18 months as part of the Water Policy Task Force and, after reviewing the actual implementation of integrated management laws in other western states, concluded it was.

This decision of the task force subsequently was enacted by the Legislature as Legislative Bill 962. The recent decisions by the Nebraska Supreme Court make it clear that LB 962 is the tool we have with which to deal with Nebraska water issues.

Is LB 962 up to the task? I believe it is. I also believe it meets

The World-Herald's editorial challenge of being a "better, but still practical" approach that is superior to simply integrating groundwater rights into the prior appropriation system and saying the problem is solved.

Under the prior-appropriation system, if a senior water-rights holder on the stream is not receiving his or her water, the most junior water rights upstream are shut off until the senior rights holder receives his or her supply. This works for surface-water rights.

Now, let's look at how a system with groundwater integrated into a strictly regulated prior-appropriation system would work. When the same senior surface-water-rights holder is not receiving his full right, the most junior user, now a groundwater user, would be shut off. The result would be two people with no water.

Why? Because in Nebraska, groundwater pumping does not affect stream flow immediately. So while the groundwater use will affect stream flows over time, it cannot be regulated in real time in a prior-appropriation system and have the desired outcome.

Here's more on why LB 962 is likely up to the task. LB 962 was structured to do two things: be proactive in preventing future problems and provide the tools to deal with existing problems.

I believe most people agree

that LB 962 will prevent future problems by having the state annually review and declare basins "fully appropriated" before they are "overdeveloped." Regarding the second goal, LB 962 provides tools and statutory responsibilities for areas where demand exceeds supply (primarily the Platte River Basin upstream of Elm Creek and the Republican River Basin).

In the Republican Basin, Nebraska must comply with the compact, which means our use cannot be more than our allocation (supply). This will be accomplished through the integrated management plans that will include both regulation and incentive programs authorized by LB 962.

LB 962 requires that the plans be developed jointly by the NRDs and the Nebraska DNR with significant input from local stakeholders. Because these plans will be developed at the local level, they will be tailored to suit local conditions, as opposed to being forced into a one-size-fits-all rule.

For the Platte River Basin, LB 962 requires that uses be reduced in a stepwise manner to rebalance supply and demand to a sustainable level. Again, this will be accomplished through integrated management plans developed pursuant to LB 962.

So let's allow LB 962 to work. It was crafted to deal with the exact problems we are experiencing. What we need from the Legislature is not new policy but, rather, adequate funding to allow LB 962 to succeed.

Group looks to extend popular trail

Recommendations include a 9.3-mile extension to the MoPac East Trail.

ALGIS J. LAUKAITIS
Lincoln Journal Star

LOUISVILLE — A natural resources district is considering extending the popular MoPac East Trail from the town of Wabash north to the Lied Platte River Bridge near South Bend.

The MoPac East Trail already extends about 25 miles from just south of 84th and O streets in Lincoln to Wabash, a small town in western Cass County.

However, the Lower Platte South Natural Resources District would like to extend the trail and link it with a trail that is being built from Omaha by the Papio-Missouri River Natural Resources District.

Monday night, Lower Platte South NRD officials held a public informational meeting at the Louisville Senior Center to discuss a possible route recommended by their consultant, Big Muddy Workshop, based in Omaha.

After an hourlong presentation on four possible choices, John Royster, a landscape architect with Big Muddy, recommended a 9.3-mile extension from Wabash to South Bend.

The preferred route would be 9.3 miles long and would follow

334th Street, a gravel road that is being used as an interim trail. It also would connect with Camp Kitaki and possibly Platte River State Park.

Royster told about 50 people at the meeting that 334th Street was the most direct route and would have the least effect on natural resources. His firm also looked at 358th, 322nd and 310th streets.

Royster said the 334th Street route would use one mile of existing right of way owned by the Lower Platte South NRD but would need 8.3 miles of new right of way from farmers and other landowners.

Audience members peppered Royster and Glenn Johnson, general manager of the Lower Platte South NRD, with questions about the proposed route and its effect on their land, safety and privacy.

Bernie Glaser of Elmwood wanted to know what the cost would be for building the trail extension. However, Johnson said, he would not know the amount until the trail is designed and engineered. At this point, the district has only identified a possible corridor, he said, and it will be up to the district's 21-member board to chart a possible course for the trail.

Board member Marsha Babcock, who lives near Wabash, said there is interest among other board members for building the extension but she doesn't plan to support it. She said it's not a high

See TRAIL, Page 3B

Trail

Continued from Page 1B

priority project for her, and she doesn't believe it's the best use of tax dollars.

Mark Meyer and several other audience members questioned how many people will use the trail extension, if it is built. They suggested that the district do a study on current use of the existing MoPac East Trail and the projected use of the extension before proceeding with the project.

Sadie Nicholson, who lives near Wabash, said she hasn't seen more than a dozen bicyclists use the interim trail along 334th Street since June. She said most trail users who come to the area first park at Wabash and then head west toward Elmwood.

Brad Johnson, who lives along 334th Street, wondered who would take care of the trail extension, if it were built. "I mow my lawn once a week, who is going to maintain it?" he asked.

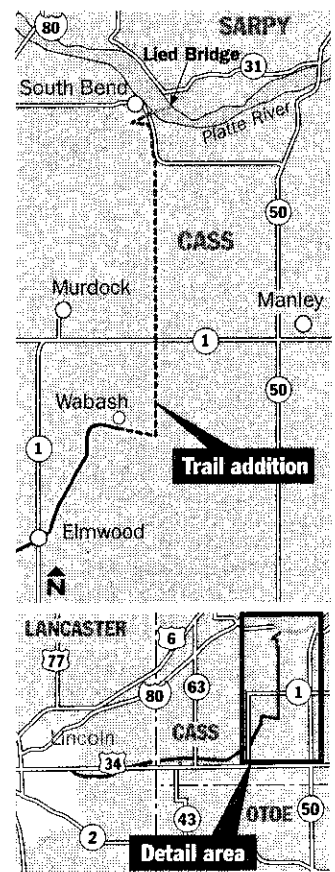
Other audience members were concerned about how much money they would receive if the district decided to take the land by eminent domain.

Johnson said the district would hire an appraiser and pay fair market value for any land that was purchased from a landowner or if the district obtained an easement.

Reach Algis J. Laukaitis at 473-7243 or alaukaitis@journalstar.com.

Proposed MoPac East Trail Extension

A consultant, hired by the Lower Platte South Natural Resources District, has recommended a route along 334th Street as part of an extension of the popular MoPac East Recreational Trail. The extension would connect Wabash, where the trail now ends, to a bridge over the Platte River near South Bend. The extension is seen as an important piece of a trail between Lincoln and Omaha.



Source: Lower Platte South NRD
MATT VAN DRIEST/Lincoln Journal Star

W-14
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Park service's building rates gold

The directive was to give the National Park Service in Omaha a riverfront building worthy of a silver rating for environmental friendliness.

Instead, project coordinators aimed for the U.S. Green Building Council's most prestigious rating. And Thursday, the park service's Midwest headquarters received the building council's gold-rated medallion.

Fewer than 60 buildings worldwide have earned the building council's gold rating.

Jay Noddle, president and CEO of Noddle Cos., accepted the medallion on behalf of all those involved in designing and constructing the headquarters, including federal employees, Pacific Realty Development Services, Leo A. Daly and Kiewit Construction Co.

The gold rating is based on several criteria. The building, for example, was designed to conserve energy and water. Carpets and furnishings are made from recycled or renewable products. Most building materials came from within 500 miles of Omaha, limiting the number of resources involved in transporting them. And space was designed to give workers light-filled offices that maximize the riverfront view.

—Judith Nygren

NRD gives tentative OK to budget

LJS 7/23/05

District will need more taxpayer money for projects.

BY ALGIS J. LAUKAITIS
Lincoln Journal Star

Taxpayers will have to pay more to the Lower Platte South Natural Resources District so it can continue work on the Antelope Valley and Stevens Creek Watershed projects.

The Lincoln-based district recently tentatively approved a \$21.4 million budget for fiscal year 2006.

District officials say the budget is 5 percent less than last year's \$22.4 million, but it will require a tax levy rate of about 4.2 cents per \$100 valuation, an increase of

tract to go higher.

The Lancaster County assessor's office will determine the final tax levy in August based on property valuations.

A 4.2-cent levy is projected to raise about \$7.59 million, assistant general manager Paul Zillig said. Additional money will come from local, state and federal funds as well as cash and investments, he said.

Most of the 1-cent increase is due to the Antelope Valley Project, a \$240 million flood control, transportation and urban revitalization project near downtown. The district is responsible for the flood control portion along Antelope Creek.

Zillig explained the district is spending large amounts now but will be partially reimbursed when

What's next

■ A public hearing on the tentative budget will be held at 7 p.m. Aug. 15 at the temporary district office, 285 South 68th Street, Suite 200, Lincoln.

■ The board is scheduled to take a final vote on the budget Aug. 17.

■ For more information, go to www.lpsnrd.org.

district's finance and planning committee and a director for 15 years, said the Antelope Valley and Stevens Creek Watershed projects have stretched the district's fi-

Here are the proposed major budget items and amounts:

■ Antelope Valley Project, \$4.28 million.

■ Urban stormwater/flood control, \$3.73 million.

■ Regional water supply/wastewater project near South Bend, \$2.95 million.

■ Recreation trails/conservation corridors, \$1.45 million

■ Flood control structures, \$1.16 million.

■ Soil and water conservation, \$1.07 million.

■ Wetlands, conservation, easements, forestry, recreation and wildlife, \$1.05 million.

■ Stevens Creek watershed, \$1.03 million.

■ Groundwater management, \$575,000.

The Lower Platte South NRD is

Science lets nature aid in toxin cleanup

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

MURDOCK, Neb. — On a scraggly hillside north of town, summer winds buffet nearly 2,000 saplings planted this spring.

The former cornfield has the feel of a job site — a porta-potty sits in one corner of a gravel lot. Grass and weeds poke through the dirt. Down by a creek, a bulldozer pushes aside earth.

Someday, a shady canopy and native grasses will give this the feel of a park. School children will study ecology in the wetlands the bulldozer is creating.

But this landscape has another job: Extracting a pesticide that has contaminated the aquifer and creek.

"There is nothing accidental here," said Lorraine LaFreniere, a geologist with Argonne National Laboratory in Chicago. "This is the result of years of work."

The \$1 million project is Nebraska's third to use what is called phytoremediation — plants — to clean up pollution.

The other sites are near Cozad and at Offutt Air Force Base, where plants are being used to extract solvents, said Steve Kemp of the Nebraska Department of Environmental Quality.

The three sites take advantage of a similar characteristic of their pollutants, near instant

vaporization when exposed to air.

At Murdock, the trees and wetland plants "drink" water contaminated by carbon tetrachloride, then "exhale" the chemical. A pond in the wetlands and a spillway will encourage more evaporation. Bacteria around tree roots speed decomposition.

By the time the water leaves the wetlands, there should be no carbon tetrachloride left in it, LaFreniere said.

Across the road at the Elmwood-Murdock

Trees will "drink" the contaminated water, then "exhale" it into the air.

High School hall fields, a sprinkler is helping, too. Borrowing from research by the University of Nebraska-Lincoln, it takes up contaminated water from deeper in the aquifer and sends it out in a fine spray that accelerates evaporation.

Scientists anticipate that the focused use of nature will more than halve the years it takes to clean up the pesticide. Carbon tetrachloride has been linked to kidney, liver and nervous system damage.

Instead of 80 years, the aquifer should be rid of the pesticide in 30 years or less, said Eugene Van, a hydrogeologist for Argonne.

Argonne runs the cleanup on a contract with the U.S. Department of Agriculture. The original contamination comes from former USDA grain bins where carbon tetrachloride was used

See Plants: Page 2

Plants: Experts say nature may halve cleanup time

Continued from Page 1

Phytoremediation is emerging as an acceptable, lower cost alternative to more mechanized cleanups, environmental regulators and scientists say. While not appropriate for every situation, it can be used with certain pollutants when public health isn't immediately threatened.

In many respects, the Murdock site is ideal, said Steve Gilmore, program manager for the USDA. The community no longer uses local wells for drinking water, and the contamination is within reach of the tree roots.

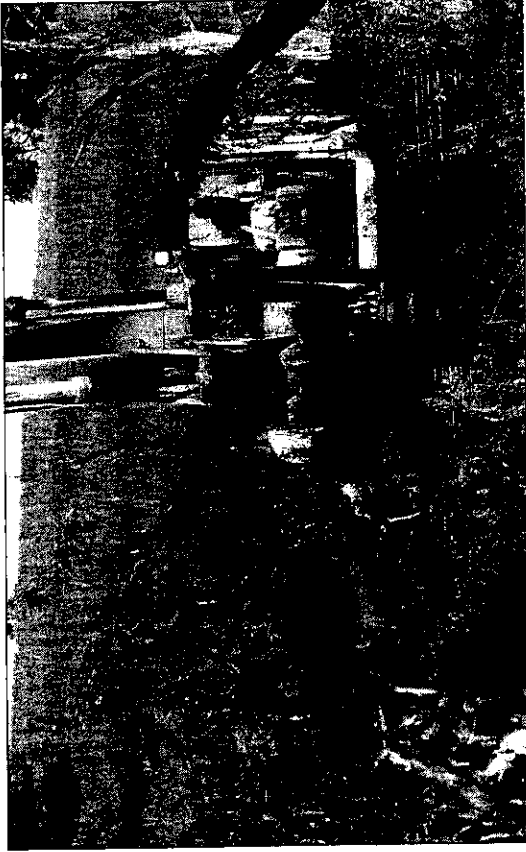
Gilmore estimates that phytoremediation will save at least \$500,000, mostly due to not operating and maintaining pumps.

The ball field sprinkling system is patterned after a pilot project tested by the USDA last year at Ute, Neb. Gilmore said he expects his department to use similar sprinkler systems at other sites in the Midwest.

The USDA has found about 60 sites in Nebraska, Kansas, Missouri and Iowa where its activities released carbon tetrachloride into the ground. More than half are in Nebraska, Gilmore said.

A number of the sites are still being investigated, so it's not known how many will require cleanup, he said.

Any immediate threat to public health, however, has been handled, said Jeff Field of the



KILEY CRUSE/THE WORLD-HERALD

Shwayne McArdy clears trees from the site of a future spillway near Murdock, Neb. The spillway, which will allow water to evaporate, is part of a larger pesticide cleanup plan that includes phytoremediation — the use of plants to help remove a pollutant that vaporizes instantly when exposed to air.

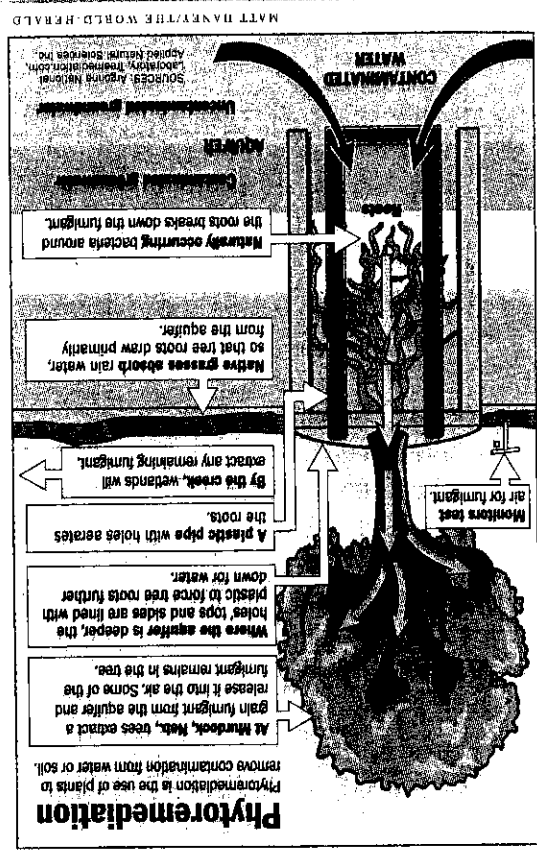
Environmental Protection Agency. Murdock's municipal wells, for example, were shut down, and the city was connected to a rural water district.

LaFreniere said there's little risk of Murdock's air becoming polluted.

Nebraska's stiff winds will quickly disperse the pesticide,

she said. To make certain, scientists are placing air monitors among the trees. Not are children at risk from water sprayed on the school's ball fields, she said. Kids won't be allowed on the field while the sprinkler is running, and the carbon tetrachloride will have vaporized by the time the water hits the ground.

The EPA, which is requiring the cleanup, is pleased with the progress, Field said. "Letting it go naturally would take over 80 years," he said. "We're trying to speed that up in a way that will allow Murdock to have its aquifer back for future use and growth."



7/26/05

Sunsets will never be the same, but "it's a livable situation" because it's a step forward for the town, he said. "If I had my choice, they wouldn't be there. But they're not like a big old ugly wart on the Sand Hills. They've done a nice job with them."

\$2.1 million in grants awarded for water, wastewater projects

Lincoln Journal Star

Ten Nebraska communities will receive more than \$2.1 million in Community Development Block Grants to repair or update water and wastewater systems.

The state Department of Economic Development administers the program, which is financed by the U.S. Department of Housing and Urban Development.

The communities are:

■ **Bartley and Indianola:** \$393,000 to build a well field and transmission mains as part of a regional water system, providing water for residents in Bartley, Cambridge and Indianola. The U.S. Department of Agriculture Rural Development has awarded additional loan and

grant funding of \$231,000 for Bartley and \$2.1 million for Indianola.

■ **Boelus/Howard City:** \$250,000 to build a well and 100,000-gallon storage reservoir, as well as install water mains, distribution lines and meters. The USDA-RD has awarded additional funding of \$485,000.

■ **Colon:** \$250,000 to link to Wahoo's water system and replace water mains in high-use areas to solve the problem of elevated levels of contaminants in supply wells. The Lower Platte North Natural Resources District will own and operate the new system. The USDA-RD awarded additional funding of \$564,000.

■ **Cordova:** \$250,000 to install water mains, water meters and other components to link to Friend's water system. Cordova will buy wa-

ter from Friend but will own and operate its water system. An additional \$782,000 in funding is pending from the USDA-RD, and an additional \$8,400 from local funds will help complete the project.

■ **Holbrook:** \$250,000 to install a water transmission line to link with the Arapahoe water system, where the village also will begin buying water. The project also will replace a cast-iron water main, install meters for all users and renovate a water tower. The USDA-RD awarded additional funding of \$886,000.

■ **Plainview:** \$250,000 to replace its wastewater system with a four-lagoon treatment system and lift station. The state Department of Environmental Quality approved a \$1 million loan from the Clean Wa-

ter State Revolving Fund.

■ **Talmage:** \$8,300 to evaluate the condition, capacity and reliability of its 1950 water system. The village will contribute an additional \$2,500.

■ **Western:** \$250,000 for construction of a supply well, 100,000-gallon elevated water storage reservoir, and maintenance and installation of a transmission main, water meters and distribution lines. USDA-RD awarded additional funding of \$950,000.

■ **Wilcox:** \$250,000 to build a well field, install water meters and transmission mains and renovate a 75,000-gallon storage facility. Wilcox and the village of Ragan will use the system. An additional \$918,000 in funding is pending from the USDA-RD.

OWH 1/28/05

Farmers from Missouri fault river flow plan

■ They and others worry that a rise in the water level would flood farmland.

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

Farmers and officials from along the Missouri River made a last-ditch plea Wednesday to prevent what appears inevitable: a spring increase in the river's level, designed to prevent an ancient species of fish from going extinct.

Conditions permitting, the Army Corps of Engineers intends next spring, for the first time ever, to increase river levels to encourage the endangered pallid sturgeon to spawn, said spokesman Paul Johnston.

The question no longer is whether to do so but how to do so, he said, because the corps must comply with the Endangered Species Act.

Years of studies, controversy and lawsuits have led to this point.

Still, the people who filled two buses, mostly from Missouri, some leaving their homes as early as 3 a.m. to attend a Wednesday hearing in Omaha, were not conceding defeat.

"As you debate this, it is not just an economic or scientific issue, it is a moral issue," said Tom Waters of the Missouri Levee and Drainage District Association. "It is morally wrong to flood people."

Waters' comments brought loud applause and a standing ovation from those gathered at the National Park Service's regional headquarters — a stone's throw from the river.

Mindy Larsen Poldberg of the Iowa Corn Growers Association said it is a mistake to think of farmland as vacant land that the government can flood. No one would think of flooding a department store or insurance office to protect an endangered species, she said. Farmland, she said, is no different.

Most of the more than 200 people who attended the hearing were from Missouri, the state with the greatest amount of bottomland along the river.

They were skeptical that the planned effort to save the pallid sturgeon would work. An experiment, they said, shouldn't be done at the risk of their livelihoods. Several asked if the government would compensate them if their fields flood.

Others said they think the "spring rise," as it is called, is a ruse to flood farmland to the point that farmers will give up and sell out.

"When you send down your spring rise and Mother Nature sends hers, then us Missouri

See River: Page 2

River: Higher spring level aims to help sturgeon

Continued from Page 1
farmers — we're going to be the endangered species," Carol Stundebek said to more applause and whoops.

Their comments were addressed to about 50 people who make up the Missouri River Spring Rise Plenary Group. The group consists of representatives of federal, tribal, state and

municipal governments and interest groups from the Missouri River Basin. A mediation company is working with the group to help the members reach a consensus on a plan.

Thursday, the plenary group was expected to produce a recommendation to the corps on how to handle the spring rise. It will focus on how long river levels will stay up, how much water will

be released and whether levels should be adjusted to account for drought and heavy rains.

The group is considering a proposal that would call for two short, sharp spikes in river levels — one in March and the other in May.

If the group cannot agree on a recommendation, then the corps will fall back on a previous recommendation from the U.S. Fish

and Wildlife Service that calls for two longer increases.

The Fish and Wildlife Service recommendation would result in more water traveling downstream for substantially longer periods of time. That would drain more water from reservoirs, something upstream states oppose, while making it harder to prevent flooding downstream.

aw# 7/29/05 Energy bill good for Midlands

By Lori Nitschke
WORLD-HERALD BUREAU

WASHINGTON — The long-anticipated national energy policy passed by the Senate 74-26 Friday is expected to benefit many Midlands businesses, from Warren Buffett's MidAmerican Energy to ethanol producers.

But it may not be popular with one constituency — parents having trouble getting children to bed.

Rep. Lee Terry, a Republican from Nebraska's 2nd District, said he had heard more from

A provision requiring refiners to buy 7.5 billion gallons of ethanol or other biofuels annually by 2012 should aid corn and soybean farmers.

constituents about a provision to extend daylight-saving time by four weeks than on anything else in the 1,724-page bill.

Those other provisions include requirements that gasoline refiners purchase 7.5 billion gallons of ethanol or other biofuels annually by 2012 and repealing a provision that has kept Buffett from investing wholeheartedly in utilities.

The bill passed the House, 275

to 156, on Thursday. With Friday's Senate passage, the bill now goes to President Bush for his signature.

Terry joked that among the bill's chief opponents was his wife.

The mother of three sons, ages 5 to 10, Robyn Terry said the daylight-saving provision will wreak havoc with bedtimes.

"They won't go to bed when it's light out," she said.

But Rep. Terry and his colleagues in the Nebraska delegation said they supported the provision because it is estimated to save electricity.

With prices for gasoline and natural gas high, the legislation encourages Americans to conserve energy or begin shifting to other sources.

The bill includes the ethanol requirement and tax incentives for hybrid gas-electric cars, as

well as companies producing energy from wind, solar and geothermal sources.

It contains anti-global warming measures sponsored by Sen. Chuck Hagel, R-Neb. The measures provide government loan guarantees for projects to commercialize technologies that reduce greenhouse gases and help developing countries try such technologies.

The bill seeks to stabilize the nation's aging electricity system, providing new standards for the transmission grid and encouraging construction of nuclear power plants.

See Energy: Page 2

Energy: Utility investment eased

Continued from Page 1

Much of the bill's \$14.5 billion in tax incentives would go to traditional energy companies. Critics complained that the measure would do little to stem rising energy prices.

The bill includes a provision Terry sponsored that would speed the process of siting coastal terminals that can accept imported natural gas. Communities often have opposed the terminals, fearing leaks and other problems.

Terry said the cost of natural gas has been especially crippling for farmers, who use it as both a fuel and a component in fertilizer.

Midlands corn and soybean farmers may see the greatest long-term benefit from a provision in the bill requiring gasoline refiners to purchase 7.5 bil-

lion gallons of biofuels by 2012. Backers say that could spur the building of 70 plants nationwide.

"We really are well-suited in Nebraska to attract much of this activity," said Todd Sneller, director of the Nebraska Ethanol board. He noted the state's abundance of corn to make ethanol, cattle to eat the ethanol by-products and railways to transport the finished product.

With 11 ethanol plants already operating and 15 in the planning stage, Sneller said ethanol will continue to be a growing industry in Nebraska.

He said about 20 percent of Nebraska's corn crop goes to ethanol production now, and that should increase by another five percentage points with the new federal requirements.

Sneller and Terry said the biggest benefit of the provision

will be to begin building a nationwide ethanol industry, instead of one now mostly limited to the Midwest.

Even with the required purchases in ethanol, fuel containing the additive is expected to make up only 5 percent of the gasoline consumed in 2012.

Other changes made by the energy bill could have a bigger impact on the electricity industry.

By repealing a law that prevented corporate investors such as Buffett from putting money in electric utilities, the measure could prompt an infusion of investment in that sector.

Buffett has said he would invest \$10 billion to \$15 billion in utilities, known for their steady, though not spectacular, returns. The investments are expected to come through MidAmerican Energy Holdings Co.

Congress gets projects going

Highway bill steers millions to state for bridges, roads

7-30-05

BY JAKE THOMPSON
WORLD-HERALD BUREAU

WASHINGTON — Drivers will be able to get to the Great Platte River Road Archway Monument quicker, cross the Missouri River more easily in the Omaha metro area and one day circle Council Bluffs on the east side because of votes Friday in Congress.

A huge highway bill steers about \$1.3 billion to Nebraska and \$2.3 billion to Iowa.

The House voted 412-8 to approve the six-year \$286.4 billion transportation bill. The Senate then voted 91-4 to approve the bill, giving lawmakers good news to talk about as they head home for their summer recess.

See Roads: Page 2

Roads: Kearney to get interchange for arch access

Continued from Page 1

The measure provides new bridges, highways, bike paths, trails, bus facilities and thousands of projects nationwide.

Most of the spending is decided by the U.S. Department of Transportation, working with states. Nebraska's five-member congressional delegation worked to earmark money for specific Nebraska projects that total \$199 million over the next six years.

"Our nation's infrastructure desperately needs the investment provided by this new highway bill," said Sen. Chuck Hagel, R-Neb.

"The highway bill will improve our transportation infrastructure," added Sen. Ben Nelson, D-Neb.

In the Omaha area, the biggest-ticket items were \$25 million for new bridges over the Missouri River south of Bellevue and near Plattsmouth, plus \$15.7 million for a Cuming Street project.

The latter project includes

about \$4 million for a new ramp and converting Burt Street and Cuming Street to two-way traffic, plus about \$11.7 million for a new parking garage, bus hub and public safety unit at Creighton University.

The project is a partnership between Creighton and Omaha to improve primary access to downtown Omaha shops and businesses, the Qwest Center Omaha and the newly renovated riverfront, said Rep. Lee Terry, R-Neb.

Council Bluffs will get \$10.2 million for a new east beltway that could eventually run from U.S. Highway 6 to U.S. Highway 275 or Interstate 29.

A second Kearney interchange will provide direct access to the archway and easier travel to the airport and to Cabela's, the outdoor outfitter. It also will serve as the beginning of a bypass that eventually will guide much traffic around the city to the north.

"It's great news," said Jon Abegglen, who led a local task

force in Kearney seeking the interchange. "It's certainly a positive for the arch, but also for the city."

Abegglen said Kearney has only one Interstate exit but the state's fourth-heaviest traffic departing I-80 after Omaha, Lincoln and North Platte.

In Lincoln, the transportation bill will send \$24 million to an Antelope Valley project, \$10.2 million for a south and west beltway to address congestion along Highway 2, and \$3 million to make Interstate 80 six lanes from I-180 to the 56th Street exit.

Nebraska will receive \$18 million for new overpasses over rail lines, an important safety improvement considering that the state is a major thoroughfare for coal shipped by rail.

According to the Iowa and Nebraska congressional delegations, the bill also provides:

NEBRASKA

- \$5 million for the U.S. Highway 75 expressway from Plattsmouth to Bellevue.
- \$21.1 million for the design, right-of-way and construction of Nebraska Highway

- 35 between Norfolk and South Sioux City.
- \$3 million for the U.S. 27½ Veterans Memorial Bridge in south Omaha.
- \$2.8 million for the U.S. 81 Meridian Bridge between Nebraska and Yankton, S.D.
- \$21.5 million for the Heartland Expressway from Alliance to Minatare.
- \$9.5 million for a Columbus arterial.
- \$4 million for widening Interstate 80 near Platte Road in Sarpy County.

- \$5.6 million for the Western Douglas County trails project to construct 25 miles of recreational trail connecting residents in Valley, Waterloo and Elkhorn with Omaha.
- \$7.3 million for vehicles, facilities and related equipment purchases to be used statewide.

WESTERN IOWA

- \$21 million for four lanes for U.S. Highway 20 in Woodbury County.
- \$13.4 million for the Outer Belt Drive rail relocation project in Sioux City.
- \$12 million for replacement of buses for 19 urban and 16 rural transit systems in the state.
- \$5 million for U.S. 71 bypass of Spencer.
- \$330,000 for Loess Hills scenic byways.
- \$250,000 for a Lewis and Clark Trail study.
- \$204,000 for Lincoln Highway rehabilitation near Woodbine.

Congress gets projects going

■ Two Missouri River bridges south of Omaha get \$25 million.

By TOM SHAW
WORLD-HERALD
STAFF WRITER

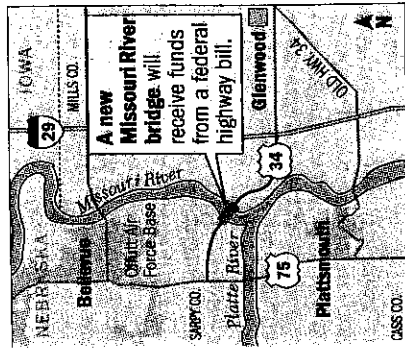
Inside

Congress has an omnibus day.
Page 3

\$3.7 million is approved for
Homestead National Monument.
Midlands, Page 5

Plattsmouth, Neb., in Cass
County.

Under current plans, the new
four-lane bridge would be built
just north of the mouth of the
Platte River in Sarpy County.
See Bridges: Page 2



THE WORLD-HERALD

Congress has approved major funding for a long-awaited new bridge over the Missouri River that will connect southern Sarpy County in Nebraska with the Glenwood, Iowa, area.

Transportation bills passed Friday by the Senate and House include \$25 million for the Sarpy County bridge project. Part of the money will go to another bridge project near

MAIN NEWS

Bridges: Funds OK'd for two Missouri River spans

Continued from Page 1

near La Platte Road, said John Selmer, a district engineer for the Iowa Department of Transportation.

New four-lane roads will connect U.S. Highway 75 in Nebraska to the bridge and also will connect the bridge to Interstate 29 in Iowa. The bridge will make it easier for people to get to U.S. Highway 34 in Iowa.

Including the bridge and road construction, the entire project probably will cost between \$50 million and \$60 million, Selmer said.

Construction probably will not start until at least 2009, so costs could go up between now and then, said Matt Tondl with HDR, which is designing the project.

Bellevue Mayor Jerry Ryan said he is excited about the new bridge.

"It will provide our friends in Iowa and other areas a quicker link into the metro area and beyond," Ryan said. "We'll be able to draw some of those people to Bellevue, and we look forward to their business."

Ryan said Bellevue would like

to have an industrial park in the area to take advantage of the new access point across the river.

Bellevue already has a toll bridge that crosses the river from State Highway 370.

Part of the new federal funding also will help pay for a new bridge leading from Plattsmouth to Mills County in Iowa. Right now there is a two-lane toll bridge. A replacement bridge there is estimated to cost \$25 million to \$30 million.

How the federal funding is broken down between the two projects is up to state roads offi-

cials.

The Sarpy County bridge project has been in the planning stages for more than a decade, Ryan and Selmer said. Putting together funding and performing engineering and environmental studies has taken a long time.

Even with the funding commitments from Congress, Selmer said, construction probably will not start for at least four years, pending approval from both states' transportation officials. More time is needed for design work and to buy land needed for the project, he said.

OMAHA WORLD-HERALD

Need for city forester is all around, many say

By NANCY GAARDER

WORLD-HERALD STAFF WRITER

Driving through north Omaha the other day, retired City Forester Phil Pierce saw a reminder of why he believes it matters that his old job has gone vacant for more than five years.

In a vacant lot, neglected and forgotten, a more than 50-foot-tall dead tree stood as a silent hazard to the neighborhood.

"Anytime you have someone who by title pays attention to something, that thing gets done," Pierce said.

The position of city forester would return to Omaha's payroll under the 2006 budget Mayor Mike Fahey has proposed.

State Forester Scott Josiah praised the decision. Declining maintenance of landscaping projects in Omaha has prompted his staff to place the city toward the bottom of the list when hand-

"Anytime you have someone who by title pays attention to something, that thing gets done."

retired City Forester Phil Pierce

ing out grants for new tree plantings, he said.

Omaha hasn't been shorted any money, but the state is concerned enough that it sent a letter to Fahey in June urging the city to restore the position of forester.

Larry Foster, head of the Omaha parks department, said the city has wanted to fill the vacancy but didn't have the money.

"Every year we've looked for the ability to put it back in the budget," he said. "This is an indication that the financial climate is getting a little bit better."

Next year's budget includes \$67,500 in salary and benefits for the forestry position, said Carol

Ebdon, city finance director. Before the position can become a reality, the City Council must vote on the budget, scheduled to happen later this month.

Omaha is one of the few cities of its size to not have a forester, Josiah said, and the return of the position has the potential to create long-term benefits.

Properly selected and maintained, trees improve quality of life in a city, he said. They add shade, beauty and wildlife habitat, increase property values and lower energy costs. A forester also weeds out hazardous trees, something that can lessen a city's liability, he said.

Omaha has had problems with

decayed trees before. In 1996, 13-year-old Alois Holts Jr. died after a decayed tree fell on him while he was playing outdoors. A Douglas County District Court judge found the city liable for the death and awarded Alois' family \$410,000.

Removal of dying trees also will get a boost with the city's improving financial picture. Foster said next year's budget includes an additional \$90,000 to remove trees, roughly doubling current efforts.

The forestry position, Foster said, also is an opportunity to raise the level of professionalism the city brings to tree maintenance. "This sends a message that the city is committed to ramping up its concern for trees," he said.

Josiah sees a certain symbolism, too. "It's great to think that in the Arbor Day state, the state's largest city will again have a forester," he said.

W-H
2-05

The coalition fights back

A spokesman for the U.S. Army Corps of Engineers said dry conditions along the Missouri River was the main reason for a big increase in the populations of threatened and endangered birds.

Piping plovers were 11 percent more numerous than a year earlier, and the population of the interior least tern was up 25 percent. The plover is officially classified by the federal government as threatened; the tern is endangered.

Federal and state wildlife people, operating under the Endangered Species Act, have taken steps to save these birds. In the case of the plover, the steps extend far beyond the Midlands to the Great Lakes and the Atlantic Seaboard. One means of protecting the birds is to keep dogs and vehicles away from the sandy areas where they nest.

Another is to lower the level of rivers at certain times to provide more such nesting areas. That has been the natural result of dry conditions in the last year, officials said. Lower water levels exposed more sandy areas, away from vegetation, that encouraged nesting and breeding.

Meanwhile, wildlife specialists earlier set free about 5,000 young pallid sturgeons in the Nebraska-Missouri-Kansas portion of the Mis-

**Terns, plovers
and sturgeons
are doing
much better,
thank you.**

souri, part of a long-term effort to restore populations of the endangered fish. Government officials and citizens are wrestling with the problem of

engineering a surge of water in the Missouri next spring on the idea that it would encourage more sturgeons to breed in the wild.

Pallid sturgeons, along with the terns and plovers, have their admirers among people impressed by their struggle against extinction in the modern world.

But their status is of more general interest as well. These three creatures make up a potent coalition that rules a number of decisions that humans make over river management and the disposition. The gains they are making in their struggle, especially when the natural accident of a drought is part of the reason, ought to be widely welcomed.

+ [REDACTED]

Funding is sought for new water law

■ Gov. Heineman says he'll listen to all ideas on sources of money.

By DAVID HENDEE
WORLD-HERALD STAFF WRITER

McCOOK, Neb. — Gov. Dave Heineman said Tuesday that he will listen to all options on how to fund a year-old state law designed to ensure that Nebraska has enough water for urban and rural uses in coming decades.

Heineman met at the Red Willow County Fairgrounds in McCook with members of the State Water Policy Task Force who were touring the Republican River basin.

"There's no question that funding is important," Heineman said in an interview. "Let's understand all the alternatives."

Although the Legislature approved the new water law, known as Legislative Bill 962, in 2004, it has not provided funding beyond the current fiscal year. Current funding totals about \$7.5 million annually.

In coming weeks, task force members will consider options for raising money from local sources. Those include increasing the taxing authority of natural resources districts, a \$10 per acre fee on irrigated acres and a charge based on inches of water pumped from the ground or diverted from canals.

Dick Mercer of Kearney, a task force member, said he was shocked to hear a proposal to tax farmers on the number of acres they irrigate.

Among the suggestions presented for the state's share of the money were sales taxes on water bills or bottled water and soft drinks, a \$5 fee on each of the state's approximately 1 million property tax records, or a per capita or per acre water fee.

The task force will refine the proposals before they are presented to the Legislature in January.

The task force's tour coincides with some of the hottest weather of the summer in southwestern Nebraska. Grasslands and pastures are tinder-dry and under a fire watch. Thermometers registered 107 degrees Tuesday in McCook.

The tour continues today with stops at Medicine Creek Reservoir, the Cambridge diversion dam and Harlan County Dam.

Many irrigators in the western half of Nebraska are limited on how much water they can take from rivers and wells because of six years of drought and recent legislative, legal and regulatory developments.

August 10 meeting to focus on water regulations

Surface and groundwater users in the Lower Platte, Loup, and Elkhorn river basins can find out more about possible new water regulations at a two-hour public meeting in Fremont on Wednesday, August 10, at 7 p.m. at the Fremont City Auditorium, 925 N. Broadway.

Roger Patterson, director of the Nebraska Department of Natural Resources, and Dave Cookson, assistant Attorney General, will be at the meeting to provide an overview of LB962, a major overhaul to Nebraska water law that went into effect in 2004. Patterson and Cookson will discuss the potential impacts of LB962 and take questions from the public.

Water use in the Lower Platte basin, stretching east from Colum-

bus to the mouth of the Platte River, is currently under review by The Department of Natural Resources. If the basin is designated as "fully-appropriated" (at the maximum level of sustainable water development), an integrated management plan will be developed that will jointly regulate surface and groundwater users. The department will announce its decision in January 2006.

Because the Lower Platte gets two-thirds of its water from the Loup and Elkhorn rivers, those basins also could be affected by any new regulations.

Surface and groundwater users in these three basins, particularly irrigators, are urged to attend the public meeting for more information. The meeting is being sponsored by the

Papio-Missouri River, Lower Platte South and Lower Platte North Natural Resources Districts.

The NRDs can be contacted at:

- Papio-Missouri River NRD, 8901 S. 154th Street, Omaha, NE 68138; (402) 444-6222; www.papionrd.org;

- Lower Platte North NRD, 511 Commercial Park Road, Wahoo, NE 68066; (402) 443-4675; www.lpnrd.org;

- Lower Platte South NRD, PO Box 83581, Lincoln, NE 68501; (402) 476-2729; www.lpsnrd.org.

More information on LB962 is available on the Department of Natural Resources's website at www.dnr.state.ne.us or call (402) 471-2363.

1057-6420-776
8-2-05

Springfield Monitor

7/28/05

ATTENTION "SURFACE AND GROUND WATER USERS" Public Information Meeting

A review of possible water use regulations which may impact ground and surface water use within the Lower Platte River Basin (Columbus, Nebraska to mouth of the Platte River) will take place at this important meeting. Surface and ground users in the Lower Platte, Elkhorn and Loup River basins are encouraged to attend. Possible future regulations may be forthcoming pursuant to the implementation of Legislative Bill 962 (2004 Unicameral.)

Two-thirds of water in Lower Platte River is provided by the Loup and Elkhorn River basins, thus these two basins are included in the public review of possible regulation of ground and surface water use for the Lower Platte River Basin.

When: 7:00 p.m. Wednesday, August 10, 2005

Where: Fremont City Auditorium, 925 N. Broadway, Fremont, NE 68025

Sponsored by: Lower Platte North, Lower Platte South, and Papio-Missouri River Natural Resources Districts (NRDs)

For more information: NE Department of Natural Resources • 402-471-2363 • www.dnr.state.ne.us

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