

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: December 2, 2005

FROM: Steve Oltmans, General Manager

- A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of November, 2005, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS**: None
- C. **REPORT ON PURCHASES – CONSTRUCTION SERVICES, PROFESSIONAL SERVICES, PERSONAL PROPERTY**: Pursuant to Board direction, attached is a report indicating construction services, professional services and personal property purchases for the month of November, 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 November 16, 2005. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **2006 RECREATIONAL TRAILS PROGRAM GRANT RANKINGS**: Attached is the 2006 Recreational Trails Program (RTP) rankings. This program is administered by the Nebraska Game and Parks Commission. The District has two trail projects included on the non-motorized/diversified projects listing. The MoPac Equestrian Trail (\$56,000) is listed as No. 4 and the West Papio to Big Papio Trail Connector (\$110,000) is listed at No. 5.
- F. **DRAFT WATER CONTROL PLAN TECHNICAL CRITERIA FOR SPRING PULSES FROM GAVINS POINT DAM**: Attached is a brochure on the Draft Water Control Plan Technical Criteria for Spring Pulses from Gavins Point Dam prepared by the Missouri River Basin Water Management, Northwestern Division, U.S. Army Corps of Engineers. The brochure outlines background information regarding spring pulse from Gavins Point Dam; spring pulse facilitated process; draft water control plan technical criteria; water control plan technical criteria flexibility; next steps; and research, monitoring and evaluation of the plan.

NOTE: This is essentially the “Nebraska Plan” as proposed by Roger Patterson, Director, Nebraska Department of Natural Resources (DNR) in 2004 and approved by the Federal District Court to comply with the Federal Endangered Species Act.

G. **NEWS CLIPS:**

- ➔ November 3, 2005, Omaha World Herald article – Lake users bite bullet on 2-year restoration
- ➔ November 9, 2005, Omaha World Herald article – Trouble on the river. Nebraska may have to shut down some irrigators, pay Kansas
- ➔ November 13, 2005, Omaha World Herald editorial – Up a dry creek. Republican settlement was the easy part; compliance will be tough.
- ➔ November 15, 2005, Omaha World Herald article – Farmers protest plan for river. The Corps of Engineers appears set on “spring rises” on the Missouri to aid the pallid sturgeon.
- ➔ November 16, 2005, Omaha World Herald – Midlands Voices – River settlement was successful for state, written by Don Stenberg
- ➔ November 18, 2005, Omaha World Herald article – Brainstorming for ways to make up water deficit
- ➔ November 19, 2005, Omaha World Herald article – Water bill may top \$300 million. Nebraska taxpayers probably will help pay for troubles in the Platte and Republican River basins.
- ➔ November 20, 2005, Omaha World Herald editorial cartoon – Nebraska’s great mythical Navy vs. Nebraska’s other water-related myth.
- ➔ November 22, 2005, Omaha World Herald article – Plan deals with development (Sarpy County).
- ➔ November 23, 2005, Omaha World Herald article – Flexibility sought on water issue. Osborne asks Kansas and Colorado to consider the drought’s effect on river flows.
- ➔ November 24, 2005, Papillion Time picture – Coming right along – Walnut Creek Amphitheater.
- ➔ November 24, 2005, Omaha World Herald article – Pedestrian bridge gets new start. The city still prefers the twin-spire design, but it is no longer a certainty.
- ➔ November 25, 2005, Omaha World Herald article – New well moratorium aired at NRD talks.
- ➔ November 27, 2005, Omaha World Herald editorial – Must-solve problems. Nebraska has to fund water policy, fix Republican water shortage.
- ➔ November 29, 2005, Lincoln Journal Star Editorial – Water debt threatening a way of life.
- ➔ November 30, 2005, Douglas County Post Gazette article – Changes coming to Elkhorn’s eastern horizon.

November 2005

Information & Education Report

Information

- ◇ Continued work on Natural Resources Center Exhibit
- ◇ Submitted photos and copy for Bank of Bennington Magazine
- ◇ Attended News Conference on Cunningham Lake improvements
- ◇ Developed request for proposals – SWCS video
- ◇ Continued work on SPECTRUM
- ◇ Designed and received literature bags for use at trade show booths
- ◇ Received wildflower seed packs for 2006 distribution
- ◇

Education

- ☐ Managed 65 volunteer hours
- ☐ Continued to plan fall field trips and NRD programming
- ☐ Continued working with Nebraska Pheasants Forever on Leopold Education Project workshops for 2006
- ☐ Continued promotion of NRD outdoor classroom grants
- ☐ Continued working on the NRD Display in the Visitor's Center
- ☐ Attended Groundwater Foundation Annual Conference in Nebraska City
- ☐ Held 2-day Geocaching programs for Bellevue Middle School Students (35 Students from Mission Middle School and Logan Fontenelle Middle School)
- ☐ Attended NRD retirement meetings
- ☐ Presented Enviroscape program to all 4th graders at LaVista West Elementary
- ☐ Revised LRIP cover
- ☐ Presented Enviroscape at Parrish School Environmental Day (4 presentations-15 students each)
- ☐ Collated and mailed information on Natural Resources to LaVista Junior High
- ☐ Designed NRC Holiday Calendar
- ☐ Planned for LEP State Coordinators Meeting in Lansing Michigan in January
- ☐ Ordered Supplies for LEP workshops this winter
- ☐ Arranged for NRC to be a Toys For Tots drop off location
- ☐ Printed NRD service awards and updated Service Plaques
- ☐ Revised and printed Envirothon Mailing
- ☐ Started editing Water Works 2006 Application

November 2005

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Updated: November 16, 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)
 - ★ 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)
- **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 – Purchase Agreements for Tobin, Williams & Olson (W)

- **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 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 (W)
 - ★ DS 13 Easement with Metro Community College (P)
 - ★ DS 13 Lyman Richey PA Addendum and Closing (W)
 - ★ Shadow Lakes Agreement with SIDs (W)
 - ★ Shadow Lakes Oversight/Review Agreement with HDR (P)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**

2006 RTP Grant Rankings

Non-Motorized/Diversified Projects (\$495,000 total funding)

1. Chappell- Chappell Lake Border Trail
2. Wolbach- Cottonwood Trail
3. Columbus- Pawnee Park West Trail
4. **Papio Missouri River Natural Resources District- MoPac Equestrian Trail** \$56,000 (80%)
5. **Omaha- W. Papio to Big Papio Trail Connector** \$110,000 (65%)
6. Lower Platte South Natural Resources District-Loma Trailhead
7. Cortland- Cortland Trailhead
8. South Sioux City- Arbor Acres Trail
9. Bancroft- Mini Park Trail
10. Lower Elkhorn Natural Resources District- Maskenthine Lake Trail Phase I
11. Orleans- Orleans Trail
12. Lower Platte South Natural Resources District- State Fair Park Trail
13. Lower Platte South Natural Resources District- BNSF Undercrossing

Motorized/Diversified Projects (\$405,000 total funding)

1. NGPC- Lewis & Clark SRA Snowmobile Trail
2. Lower Platte South Natural Resources District/Lancaster County- Ethel Abbott Motocross/BMX Track
3. USFS- Dismal River Trail Renovation

***Projects in bold indicate trails to be funded under the FY2006 RTP Program. Funding request may be altered or reduced to match amount of RTP funds received by Federal Highway Administration to the State of Nebraska.

Draft Water Control Plan

Technical Criteria for Spring Pulses from Gavins Point Dam



Spring Pulse from Gavins Point Dam

Background:

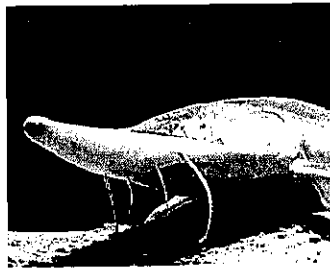
- Spring Pulse from Gavins Point Dam is One Element of the Reasonable and Prudent Alternative to Jeopardy for the Endangered Pallid Sturgeon as per the USFWS 2003 Amended Biological Opinion (BiOp)
- “The Corps shall ensure that within two years ... a (long-term) flow management plan will be implemented to provide a spring rise ... for the life history needs of the pallid sturgeon.” - BiOp
- Spring Pulse is Intended to Trigger Pallid Sturgeon Spawning
- BiOp Provided the Corps and Basin an Opportunity to Collaboratively Develop a Spring Pulse Plan
- 8th Circuit Court of Appeals Ruling of 22 August 2005 Reaffirmed the BiOp

Spring Pulse Facilitated Process

- Corps Sought Assistance from the US Institute for Environmental Conflict Resolution (Institute)
- Institute, Tribes, and Basin Stakeholders Selected CDR Associates to Conduct Facilitated Spring Pulse Process
- Plenary Group Established to Provide Recommendation to Corps
 - Plenary Group Comprised of ~ 50 individuals representing the Tribes and full range of basin interests
 - Plenary Group Task was to Formulate a Spring Pulse that Benefited the Pallid Sturgeon while Minimizing Risks to Basin Tribes and Stakeholders
- Technical Work Groups Established to Inform Plenary Group
 - Pallid Sturgeon / Fish and Wildlife
 - Socio-Economic
 - Hydrology
 - Cultural, Burial Sites, Tribal Issues
- Four Plenary Group Sessions were held Throughout the Basin



Interior Least Tern



Pallid Sturgeon



Piping Plover

Draft Water Control Plan Technical Criteria

- March Pulse:
 - Preclude – Initially 36.5 MAF or below on 1 March until a March Pulse occurs. Thereafter, 40 MAF or below on 1 March.
 - Proration of Magnitude – None, 5 kcfs added to navigation releases, but no greater than 35 kcfs (powerplant capacity).
 - Initiation of Pulse – Coincides with increases for navigation season.
 - Rate of Rise before Peak – ~ 5 kcfs for 1 day.
 - Duration of Peak – 2 days
 - Rate of Fall after Peak – Drop over 5 days to navigation target release.
- Between Pulses – Existing Master Manual Criteria

May Pulse:

- Preclude – Initially 36.5 MAF or below on 1 May until a May Pulse occurs. Thereafter, 40 MAF or below on 1 May.
- Proration of Magnitude based on System Storage – Prorated from 16 kcfs based on 1 May System Storage check: 100% @ 54.5 MAF straight-line interpolation to 75% @ 40 MAF.
- Proration of Magnitude based on Projected Runoff – After proration for storage, magnitude would be further adjusted based on May CY runoff forecast: 100% for median straight line interpolation to 125% at upper quartile or above, 75% at lower quartile or below.
- Initiation of Pulse – 1 – 19 May depending on temp below Gavins Point Dam (second day of 16 degrees C). Consideration of protected birds a factor.
- Rate of Rise before Peak - ~ 6 kcfs per day
- Duration of Peak – 2 days
- Fall Rate after Peak – 30% drop over 2 days, drop to navigation service level over 8 days.
- Both Pulses measured downstream of James River.

WCP Technical Criteria Flexibility

- Downstream flow limits – both pulses:

LOCATION	CURRENT FLOW LIMITS (IN 2006)		MINIMALLY INCREASED FLOW LIMITS		FLOOD STAGE
	flow kcfs	stage feet	flow kcfs	stage feet	feet
Omaha	41	18.3	49	20.0	29
Nebraska City	47	12.2	55	13.7	18
Kansas City	71	15.4	75	16.1	32

- March Pulse –
 - Duration of Peak could be increased to no more than 5 days.
- May Pulse –
 - Rate of Rise before Peak could be decreased to no less than 4 kcfs per day and increased to no more than 8 kcfs per day
 - Duration of Peak could be increased to no more than 5 days
 - Rate of Fall after Peak - drop to navigation service level could be increased to no more than 14 days.
- Both Pulses could be measured at Gavins Point Dam.

Next Steps

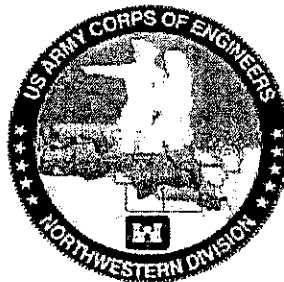
- Draft AOP and Water Control Plan Technical Criteria Comment Period ends – 16 Dec 2005
- Final 2006 AOP released – Mid Jan 2006
- Environmental Assessment Completed – Feb 2006
- Record of Decision Completed – Feb 2006
- Revision of Master Manual to include Technical Criteria finalized – Feb 2006
- Implementation of 2006 AOP – Mar 2006

The Way Ahead

- Plenary and Technical Work Groups are Maintained to Continue Deliberations on Spring Pulse and Provide Bridge to Broader MRRIC
- Corps and USFWS Advise Institute to Move Forward with MRRIC

Research, Monitoring, and Evaluation

- Baseline data collected in 2005
- USGS Comprehensive Research Program
- RM&E Plan for monitoring of spring pulses scheduled for completion in Dec 2005
- RM&E Plan will be presented to Plenary and Technical Groups when reconvened



Missouri River Basin Water Management

Northwestern Division
U.S. Army Corps of Engineers
12565 W. Center Road
Omaha, Nebraska 68144
Phone: 402-697-2601
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missouri.water.management@nwd02.usace.army.mil

Lake: Two-year restoration will pay off in smooth sailing afterward

Continued from Page 1

In that case, the Eastern Nebraska Sailing Association, which holds races at Cunningham Lake, will relocate to Lake Manawa in Council Bluffs during the two-year restoration.

Hardt, who operates the marina from mid-May through mid-October, hopes that he will be able to rent out smaller boats during that time.

Omaha Parks Director Larry Foster said he did not know whether the boat dock and marina could be extended so that sailboats could continue to use the smaller, shallower lake.

Although the prospect of losing business concerns him, Hardt said, he understands the need for the improvements.

"Mother Nature never meant for these types of lakes to be there," he said. "Ultimately, it would have had to be done."

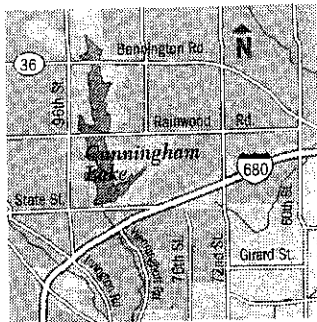
The slow degeneration of the lake near 96th and State Streets is most evident on the north end along Nebraska Highway 36. The lake no longer extends north of the Highway 36 bridge, as it did 10 years ago. Year by year, silt fills the lake. It is now listed as "impaired," meaning that it cannot fully support aquatic life or thrive aesthetically.

"We will make it a new lake again," said Don Gabelhouse of the Game and Parks Commission.

The state agency expects to spend millions of dollars on the improvements, although there is no specific estimate.

The lake will be dredged to remove the silt and to deepen it. The commission plans to construct jetties, piers and breaks to create better aquatic habitat and improved spots for anglers to cast their lines.

The lake will be restocked with bluegill, largemouth bass and channel catfish.



"They are doing the right thing," said Louis Liebentritt, who has lived in a nearby subdivision for 14 years. "There is no other way to do it."

Mayor Mike Fahey and Foster said improving the lake quality goes hand-in-hand with improvements that the city plans for the surrounding park.

"There is no use having a nice park around a lake if there is no lake," Foster said.

Neighbors have long complained that the condition of the park is decrepit, with pothole-filled roads, broken-up trails that dead end, and dilapidated restrooms and picnic areas.

Foster has estimated that it would cost \$8 million to have Cunningham Lake's amenities match those surrounding Zorinsky Lake in southwest Omaha.

Foster and Fahey said they are attempting to find funding to make the improvements.

The current plan calls for spending \$300,000 from city funds to repair the roads, parking lots and trails in 2009.

Some lake users don't mind its current rustic state, though.

"I've lived here nine years, and I don't think there's anything prettier than this area," said Tim Maes of Omaha, who was enjoying the nice weather at the lake Wednesday afternoon. "If it turns into Lake Zorinsky ... I might find another place to go."

Lake users bite bullet on 2-year restoration

11-3-05

By C. DAVID KOTOK
AND MARION RHODES

WORLD-HERALD STAFF WRITERS

Rows of sailboats line the south shore of Cunningham Lake, their masts sticking boldly into the air.

Their sails have been taken down for the winter, but Larry Hardt is optimistic that they will catch the wind again next season.

The operator of the Cunningham Lake Marina said he hopes to keep his sailing instruction and rental business going during a two-year effort to restore the lake in northwest Omaha.

"Right now, everything is just kind of in limbo," Hardt said Wednesday after the Nebraska Game and Parks Commission announced plans to turn Cunningham Lake into one of the Omaha area's best fishing holes.

The lake will begin shrinking to half its size next summer. Its depth will be reduced by about 10 feet, lessening the size of the lake from its original 370 acres to about 160 acres.

The lake will be restored to its current size after the improvements are finished.

The lake, built by the Army Corps of Engineers, was completed in 1973. The surrounding park was turned over to the city. The Corps of Engineers still owns the lake as part of its flood control system along the Papio Creek.

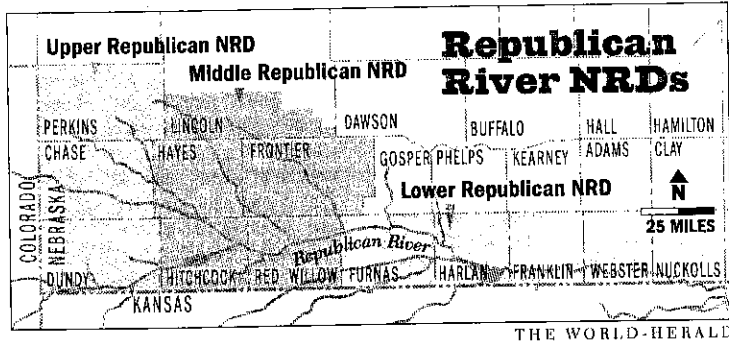
Larger sailboats may not be able use the lake while its size is reduced.

See Lake: Page 2

Trouble on the river

Nebraska may have to shut down some irrigators, pay Kansas

11-9-05
BY DAVID HENDEE
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OMAHA WORLD-HERALD



Nebraska is so far behind in providing Kansas with its share of Republican River water that farmers might have to shut down irrigation wells or the state might have to pay millions of dollars in damages.

"We've got a big problem," Ann Bleed, acting director of the Nebraska Department of Natural Resources, said Tuesday from Scottsbluff, Neb.

Bleed declined to reveal the department's latest estimate of the number of acre-feet of water that Nebraska appears to have shorted Kansas this year. Nebraska used about 62,000 acre-feet over its combined 2003 and 2004 allocation.

Mike Clements, general manager of the Lower Republican Natural Resources District based at Alma, Neb., said the information is gut-wrenching.

See River: Page 2

River: Nebraska violates settlement

Continued from Page 1

Nebraska's only hope for eventual compliance is three to five years of normal rainfall and the permanent retirement of large expanses of irrigated cropland, Clements said.

"I do not think that we can regulate ourselves into compliance," he said.

Irrigation added \$4.5 billion to Nebraska's economy in 2003, according to a recent report by the Nebraska Policy Institute.

Clements expressed frustration: "We reduced pumping by 25 percent this last summer — when we had near normal rainfall — and then to tell us that we're still way out of compliance, I don't get it."

Bleed blamed six years of drought in the Plains of eastern Colorado and western Nebraska.

At issue is Nebraska's compliance with an out-of-court settlement reached in 2002 among Nebraska, Kansas and Colorado in a U.S. Supreme Court case. Kansas filed a complaint with the high court in 1998 alleging that Nebraska violated a 1943 compact allocating the average annual water supply of the Republican River among the three states.

Each state is allowed to consume its allocation, but drought conditions complicate the formula.

The settlement allows Nebraska to measure compliance

on a five-year running average, instead of annually. In dry years, however, compliance is measured on a two- or three-year running average.

State officials expected Nebraska, in normal years, to maintain most, if not all, of its existing uses of Republican River water. In water-short years, Nebraska is required to reduce its use of the river water. The compact requires Nebraska to restrict the use of groundwater in the basin.

The U.S. Bureau of Reclamation has made a preliminary declaration that 2006 will be an official water-short year in the basin. Under the rules, Nebraska must not only make up its water deficit to Kansas next year, but it also must stay out of the hole for 2006.

"That's going to be very tough to do," Bleed said.

She said she has begun holding brainstorming sessions with managers and board members of the three Republican River natural resources districts in southwestern and south-central Nebraska to try to determine what needs to be done.

Many members will hear the grim information for the first time Thursday, when the Lower Republican NRD board meets. Clements said the groundwater committee is not happy with the prospect of requiring local irrigators to further cut back their use of water.

District irrigators this year operated under water allocations for the first time. Farmers west of U.S. Highway 183 were allocated 36 inches over three years. Farmers east of the highway were allocated 33 inches as part of a three-year groundwater management plan to help restore flows to the Republican.

"The committee feels that we made a three-year deal," Clements said, "and that's what we plan to stick to."

He said he believes that it is impossible for irrigators and NRDs to comply with the conditions of the compact settlement in drought conditions.

Nebraska's bill owed to Kansas for damages and other costs could reach an estimated \$20 million to \$30 million, according to an August study by Steve Smith of Imperial, Neb., the founder of the irrigation advocacy group WaterClaim.

Bleed said options for NRDs in the basin may include everything from lowering water allocations to shutting down irrigation wells. NRDs have authority to regulate groundwater in Nebraska. The State Natural Resources Department regulates surface water.

"Somehow, we have to come up with using less water to get more water in the river," Bleed said. "We need more water in Harlan County Reservoir. I'd love to see a flood now."

Sunday World-Herald

JOHN GUTTSCHALK, Publisher

LARRY KING, Executive Editor GEITNER SIMMONS, Editorial Page Editor

DEANNA J. SANDS, Managing Editor

Up a dry creek

Shoulda, woulda, coulda. Now that Nebraska is up a dry creek on water overusage in the Republican River basin, the accusations, excuses and defenses are flying.

But the spot the state is in can hardly be a surprise.

State Sen. Ed Schrock, chairman of the Legislature's Natural Resources Committee, said it does no good to look for scapegoats. Rather, he suggested, Nebraskans should go forward from here to find a solution.

Certainly true. Nevertheless, the solution may involve large chunks of taxpayers' money, so some perspective on what happened isn't out of line. Who made some of the bad decisions and poor choices? Who should bear the burden of fixing things?

In a 2002 lawsuit settlement with Kansas, Nebraska promised to stay within its legal allocation when taking surface water or groundwater from the Republican River for irrigation, as figured over a three- or five-year period. Kansas had sued in 1998, claiming that by failing to include groundwater pumped from the Republican basin, Nebraska routinely exceeded its entitlement.

Consider: During the lawsuit, both the Middle and the Lower Republican Natural Resources Districts permitted hundreds of new wells to be drilled. In the Lower Republican alone, 537 new wells were registered between 1998, when Kansas filed the suit, and 2004. The district's peak — 239 new wells — was in 2002, the year the suit was settled.

More wells, more irrigated acres, more water sucked from the Republican system — less water for Kansas. There was tremendous potential for problems.

Roger Patterson, then director of the state Department of Natural Resources, wrote to the NRDs at the time, urging them to stop the development of new wells, acting director Ann Bleed said last week in an interview. If the two NRDs had called a moratorium in the mid- to late 1990s, Bleed said, the bind in which Nebraska now finds itself wouldn't be as bad.

While the NRDs reduced water pumping this year — the Lower Republican by 25 percent, according to general manager Mike Clements — Bleed says the depleted system simply hasn't had enough time to recover, in part because of the six-year drought in western Nebraska and eastern Colorado. When water is removed from the ground, Bleed said, it creates a deficit that must be refilled before any water can

Republican settlement was the easy part; compliance will be tough.

spill over into the stream.

And that takes time, she said. The effect she called "inertia" can be helped by decreased pumping of

irrigation water. But "quick recovery," she added, "isn't going to happen."

The immediate problem is that Nebraska must find some way to satisfy Kansas' water claim by the end of 2006. Otherwise, Nebraska may have to pay a multimillion-dollar damage claim.

Irrigators used about 64,000 acre-feet more than Nebraska was allotted in 2003 and 2004. Estimates suggest that in 2005, another 42,000 acre-feet will be added to the debt. Indications are that, because of inertia, even shutting off all wells in the basin in 2006 would not cancel the shortage.

A big part of the problem since Kansas first raised the water issue in the mid-1990s has been the blindly optimistic attitude of irrigators, some NRD staffers and board members and some state officials. Given that mind-set, it's no wonder many people were shocked when the DNR made the extent of the water deficit clearer recently.

Besides the NRDs, part of the fault lies with then-Attorney General Don Stenberg, who encouraged irrigators to cling to unrealistic expectations and repeatedly sold farmers his overconfident attitude about Nebraska's chances of winning in court.

Schrock also pointed a finger at the state natural resources agency for failing to warn irrigators soon enough (and, perhaps, insistently enough) about water consumption. The DNR itself may have been starry-eyed in estimating the impact of reduced pumping. And it may have underestimated the impact of drought.

One white hat in the game belongs to the Upper Republican Natural Resources District, which has acted responsibly and with concerned stewardship during the debate. Between 1998 and 2004, for instance, the district allowed only seven new wells.

State and local water management officials plan brainstorming sessions in the affected area to figure a way out. That way may be expensive. It may be painful for irrigators and the small towns that depend on irrigated agriculture. It may rest heavily on taxpayers' shoulders. At this point, there's no way to tell.

But Nebraska agreed to the settlement with Kansas. Compliance is the honorable course.

Farmers protest plan for river

■ The Corps of Engineers appears set on "spring rises" on the Missouri to aid the pallid sturgeon. 11-13-05

By HENRY J. CORDES

WORLD-HERALD STAFF WRITER

To the biologists looking to save the endangered pallid sturgeon, it's "a spring rise."

Sarah Hansen, whose family farms along the Missouri River near Honey Creek, Iowa, prefers to call it "controlled flooding."

Hansen was among dozens of farmers who turned out at public hearings in Omaha and Nebraska City on Monday to oppose the Army Corps of Engineers' plan to raise river levels in March and May to help the endangered fish.

The farmers from both sides of the river said the higher water would only exacerbate flooding and drainage problems they already face along the river when there is significant rain.

"Flood control should rank above some fish that might benefit," Hansen said.

Corps officials, however, gave no indication that this week's hearings will cause them to back off their proposal.

The biggest reason, they said, is that the U.S. Fish and Wildlife Service has said the spring rise could be critical to the recovery of the ancient fish that long ago stopped reproducing in the wild.

Without returning the Missouri to a more natural state, the service has said, the sturgeon will disappear from the river that has been its home since the time of the dinosaurs.

The pallid sturgeon has been in significant decline since man

See River: Page 2

River: Corps aims to balance competing interests

Continued from Page 1

dammed and channelized the river during the 20th century to provide flood control and turn the waterway into a canal for barges.

Thousands of acres of river-side habitat were lost, much of it converted to farmland, and the river's natural ebb and flow was lost.

It's thought that the spring rise, intended to in a small way mimic the natural impact of snowmelt, could provide an important spawning cue for the sturgeon. But because the fish's

specific problems remain a mystery, no one knows for sure. Corps officials plan to scientifically monitor the results of the flow changes to see how the fish responds.

Bill Beacom, a former barge tow captain from Sioux City long active on river issues, said he thought farmers were overreacting to the modest plan. "The sky is not falling," Beacom said.

In Omaha, the spring rise would raise the river about two feet over the normal 16-foot level. That is far below the river's flood stage of 29 feet.

But those who farm along the river said the river doesn't have to rise over the levees to take money out of their pockets.

Lyle McIntosh, who farms near Missouri Valley, Iowa, said that when the river hits 21 feet, his fields stop draining. When it's at 23 feet, river water starts backing up into his fields.

He said the spring rise will add to the May rains that commonly put water on his fields. "Even when it's well-managed, we fear it," he said of the river.

McIntosh was encouraged to learn that corps officials will monitor long-term weather fore-

casts and try to time the increased dam releases to avoid local rains.

Col. Jeff Bedey, commander of the corps office in Omaha that is headquarters to dam operations on the Missouri, also noted that the spring rise planned is far smaller and far shorter — days instead of weeks — than what the wildlife service had originally sought.

The compromise proposal came out of a group of river stakeholders the corps brought together over the summer.

"We are working very hard to strike a balance," Bedey said.

Midlands Voices

River settlement was successful for state

BY DON STENBERG

The writer, of Gretna, Neb., is a Republican U.S. Senate candidate and a former Nebraska attorney general.

This is in response to a Nov. 13 editorial that said I, as Nebraska's attorney general, encouraged Republican River basin irrigators "to cling to unrealistic expectations and repeatedly sold farmers (my) overconfident attitude about Nebraska's chances of winning in court."

With all due respect, we were every bit as successful in court as I had said we would be. Kansas sued the State of Nebraska for millions of dollars in monetary damages and sought an injunction to shut down some of the then-existing water use in Nebraska.

Under the settlement, Kansas did not get a single penny — let alone the millions of dollars that State Sen. Ed Schrock and others had predicted — and did not get an injunction to shut down any then-existing water users in Nebraska.

Not only that, but Kansas also agreed to five-year and two-year (in water-short years) averaging, which actually made future Nebraska compliance with the Republican River Compact easier than it had been in the past.

We did, of course, have to agree to abide by the compact in the future because that agreement had been entered into in 1943 and remained a legally enforceable obligation. Under the 1943 compact, Nebraska is allocated 49 percent of the virgin water supply of the Republican River basin. The compact and the current drought conditions, not the settlement, cause the problem we face today.

It is also important to understand what the settlement with Kansas *did not* require. It *did not* decrease by a single gallon the amount of water Nebraska is entitled to use. It *did not* require the passage of Legislative Bill 962, which now is being used by the State of Nebraska to limit irrigation all across the state. And the settlement *did not* specify that

compliance with the Republican River Compact had to be achieved by limiting pumping from existing groundwater wells. (See page 27 of the settlement.)

The job of the attorney general is to give the State of Nebraska the best possible legal defense based on the law and the facts. We did that, and we achieved everything that I said we would.

Even though it is the responsibility of the Legislature, not a former attorney general, to decide how to deal with the problems that have arisen since I left office, I will offer some advice.

Rather than severely restrict groundwater irrigation in the Republican River basin, the State of Nebraska should enter into a short-term lease or purchase surface-irrigation water rights from willing sellers and use that water to comply with the Republican River Compact. This alternative is specifically provided for on page 27 of the settlement.

According to the experts, 80 percent to 90 percent of Republican River flows are from snowmelt and rainfall runoff. Only 10 percent to 20 percent is from groundwater sources. And in order to put 1 acre-foot of water in the river by shutting off wells 10 or 20 miles from the river, it might be necessary to shut off 100 acre-feet, 1,000 acre-feet or more of groundwater irrigation.

Trying to deal with the Republican River problem by severely restricting groundwater pumping would have a devastating economic effect across all of south-central Nebraska. Income and sales-tax losses to the state that could result from this economic devastation could greatly exceed the cost of leasing or buying the necessary water from willing surface irrigators and using that water to comply with the Republican River Compact.

Brainstorming for ways to make up water deficit

11-18-05
BY DAVID HENDEE

WORLD-HERALD STAFF WRITER

HOLDREGE, Neb. — A proposal to expand a federal program that pays farmers to quit irrigating is emerging as a popular short-term option to give Kansas its legal share of water in the Republican River.

Water managers and irrigators rejected options Thursday that would require farmers to cut the water they now put on crops or to irrigate fewer acres.

Nebraska, by the end of 2006, must comply with terms of a compact to give Kansas its share of water or face penalties. Nebraska will be an estimated 42,000 acre-feet in arrears.

Analysis indicates that Nebraska could gain more than 60,000 acre-feet of water over three years by not irrigating

more than 100,000 acres of land in two areas around Harlan County Lake. It would cost more than \$7 million to compensate the farmers involved.

Another possibility floated was to pump water into the river from wells not near the stream. That option would still cause depleted flows because groundwater and river water are interrelated. But it would not show up for several years, creating time for the drought to break. WaterClaim, an advocacy group based in Imperial, Neb., estimates that Kansas could seek \$20 million to \$30 million in damages if Nebraska fails to comply.

Other top options approved by the group included removing trees and other vegetation from stream and river banks, and cloud-seeding to create rain.

Water bill may top \$300 million

■ Nebraska taxpayers probably will help pay for troubles in the Platte and Republican River basins.

1/19-05
By DAVID HENDEE
WORLD-HERALD STAFF WRITER

NORTH PLATTE, Neb. — Nebraska taxpayers could be asked to dig \$375 million out of their pockets during the next 15 years to buy irrigation rights

from farmers to help roll back the state's use of water.

The multimillion-dollar price tag is one early estimate of costs under review by the Governor's Water Policy Task Force. The group is wrestling with options for the Legislature

to help finance solutions to Nebraska's water troubles in the drought-plagued Platte and Republican River basins.

"It will take a lot of millions — within a zero or two," said Claude Cappel of McCook, a task force member.

The 50-member group, which met here Friday, is charged with helping the Nebraska Department of Natural Resources find ways to fund the state's year-old water law and to address other issues, such as the

state's compliance in giving Kansas its legal share of Republican River water.

The \$375 million figure is based on preliminary estimates. That would be the cost if the state paid farmers \$25 million a year for 15 years to retire irrigated farmland, according to task force members familiar with the discussions. The low end of the estimate is a \$20 million annual cost, or \$300 million total during the period.

Eugene Glock of Rising City,

who is leading the task force committee developing payment options, did not mention the estimates during a presentation on funding issues.

A final figure will be ready for the task force's Dec. 22 meeting, Glock said. Ann Bleed, acting director of the Natural Resources Department, will consider submitting it to the Legislature when it convenes in January.

The Legislature appropriated See Water: Page 2

Water: Task force scheduled to meet again Dec. 22

Continued from Page 1

\$7.5 million for similar water issues this year. Most of that was earmarked for incentive programs to reduce irrigated acres and for other water conservation programs.

The Legislature did not appropriate similar water funding for 2006. Instead, it asked the Department of Natural Resources to develop recommendations for fees the Legislature can consider to meet long-term needs.

Among ideas considered have been fees on wells, irrigated acres and property tax records; sales taxes; and a ballot initia-

tive to dedicate state tax dollars.

The Natural Resources Department already plans to seek \$3.5 million from the Legislature next year to deal with water issues. Research and administrative costs would use \$1.5 million. The remainder would be matching funds to help natural resources districts in the affected basins pay the costs of the water law and comply with the compact.

The Legislature also will be asked to approve an optional 3-cent tax rate increase for natural resources districts to pay for their shares of the increased

costs and land buyouts.

"There is not a lot of support (in the Legislature) for additional taxation... but there's no support if the local areas don't contribute what they can," Glock said.

Time is running out in the Republican and Platte basins, Glock said.

Nebraska does not think it can provide Kansas with its legal share of water in the Republican next year because of drought conditions and years of heavy groundwater pumping by farmers in southwestern and south-central Nebraska. If the

water is not available to Kansas, Nebraska would fall out of compliance with a three-state compact governing the river's use.

In the Platte basin in central and western Nebraska, irrigators eventually must roll back their water use to 1997 levels because the region's water is overappropriated.

Glock said it is fair that all Nebraskans share in resolving the state's water problems.

"While it may appear that some benefited more by pumping more water than they should have in the past... we've all benefited from it," he said.

NEBRASKA'S GREAT MYTHICAL NAVY

THE GOVERNOR COMMISSIONS
DIGNITARIES AS 'ADMIRALS'
IN THIS IMAGINARY OUTFIT.



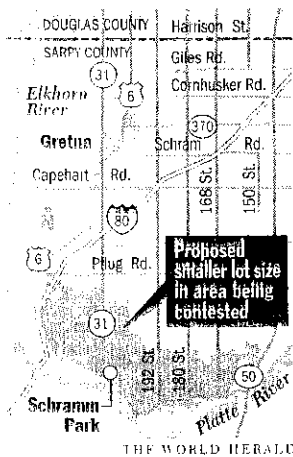
NEBRASKA'S OTHER WATER-RELATED MYTH

THERE'S NO PROBLEM!
WE'LL ALWAYS HAVE ENOUGH
FOR EVERYONE!



UM,
ADMIT THAT

Plan deals with development



11-22-05

By JOE DEJKA

WORLD-HERALD STAFF WRITER

Development plan

The plan would designate 11,000 acres in southwest Sarpy County as a conservation district.

Property owners could divide their land conventionally into minimum 20-acre lots. Or the lots could be as small as three acres, if landowners committed to keep natural features such as woods, steep slopes and wetlands.

Sarpy: Development plan considered

Continued from Page 1

grandfather brought as a sapling from Jasper County, Ind., in 1863.

She can even show you, hidden in a thick stand of cedars, the holes drilled during the late 1800s by workers extracting limestone blocks for one of the early state capitols.

She and some of her neighbors fear that allowing developers to put more houses in the area will harm the historical sites, prairie remnants, centuries-old trees, and sandstone outcrops. Everything, in fact, that makes the area special.

Other landowners, however, want to cash in on the area's beauty, selling off their land to real estate developers. Many of them, too, have held land for generations.

Barry Gottsch, who owns more than 1,000 acres in the area, including the former Nebraska site and an island in the Platte River, said supply and demand should dictate use.

"You get between the two biggest cities in Nebraska and development is inevitable," he said.

If people want to preserve it, "you pretty much have to own it," Gottsch said.

Right now, housing lots in the area must be 20 acres or larger.

But a proposed change in Sarpy County's comprehensive plan would allow for, in some cases, lots as small as three acres if owners positioned their houses to preserve natural features.

Marty Shukert of RDG Planning and Design in Omaha, who is revising the plan, said the proposal finds a "middle ground" between putting no restrictions on development and restricting it so severely as to render land unusable.

"I think this has, over the long run, a significant chance of preserving the environmental features," he said.

The full beauty of the area is visible from Merrilee Hansen's place.

Climbing the steel steps to the top of a 30-foot wooden lookout tower on her 20-acre hilltop property, Hansen, 62, gets a bird's-eye view for miles in every direction.

From this vantage point, the Platte River glistens. Across the river to the west, on a 175-foot-tall pole, a giant American flag waves over Mahoney State Park.

Dave Sands, director of the Nebraska Land Trust, considers the area around Schramm Park an economic asset between Lincoln and Omaha if it stays in a natural state.

"For my money, that area may be the prettiest spot on the entire length of I-80 in the state of Nebraska," he said.

The area is geologically unusual because of the limestone bluffs overlooking the river, he said. It also is home to an oak-hickory hardwood forest and contains areas of virgin tallgrass prairie, he said.

In October, Audubon Nebraska put Schramm Park, which lies within the proposed development district, on its list of 26 Important Bird Areas.

Sen. Nelson bought his piece of the area in 1999 from California poet Rod McKuen, who had owned it for 23 years.

At the time, Nelson paid \$200,000 for the land, which reportedly had never been farmed or logged.

Nelson, through a spokesman, declined to comment.

"He feels that he's just a property owner and that his opinion doesn't mean more than anyone else's and that he'd prefer to just live by whatever decisions are made as opposed to trying to influence the process," said spokesman David DiMartino. Nelson maintains a cabin on the property.

Rex Amack, director of the Nebraska Game and Parks Commission, feels the change in regulation "would totally change the dynamics of that area."

He noted the potential for increasing deer-vehicle collisions if the area is developed.

Evelyn Carter loves the area, and she wants it preserved for city folks to enjoy. But, as one who enjoys her freedom, she has mixed feelings about the idea of government telling people what they can do with their property. Even if it means some of her special places would be lost, she said.

"I don't know how you'd ever write a law to say they can't do it," she said.

It may be the sharpest curve on Interstate 80 in Nebraska.

As motorists travel east over the Platte River, the road bends left to avoid the hilly terrain ahead, a surprise for drivers lulled by the previous 430 unremarkable miles.

So hilly is this area of Sarpy County, in fact, that downhill skiers used to shred the slopes at the quaintly named Nebraska. The area's scenic beauty caught the eye of U.S. Sen. Ben Nelson, who in 1999 bought 100 acres on a remote bluff.

It is a place loved by Evelyn Carter. And one she feels helpless to protect.

The Sarpy County Board will consider today how much protection to grant the area halfway between Lincoln and Omaha. At-

tracted by its charm, the area has drawn the interest of developers.

Evelyn and Harley Carter, 70 and 78, live with their daughter, Kathleen, dog Freckles and three cats in a modest house on one acre carved out of the hills in the 1930s to accommodate a blacksmith and his shop.

For Evelyn Carter, the decision ahead is personal.

Her family has roots in the area extending back to 1858.

Evelyn Carter can show you the crack in the hillside, near the idle ski area, that locals called the Santee Cave. If you get down on your stomach and wiggle in, locals say, you'll find American Indian markings.

She can point out the sycamore tree off Highway 31, its trunk now more than four feet across, that her great-great-great-

See Sarpy: Page 2

Flexibility sought on water issue

■ Osborne asks Kansas and Colorado to consider the drought's effect on river flows.

11-23-05

By DAVE HENDEE

WORLD-HERALD STAFF WRITER

Rep. Tom Osborne, who is running for Nebraska governor, waded into one hot state issue Tuesday — water in the west — and dipped his toe in on another — Omaha's public school expansion controversy.

Osborne, a Republican challenging Republican Gov. Dave Heineman, sent letters Tuesday to the attorneys general in Colorado and Kansas encouraging them to reconsider the Republican River litigation settlement because of the impact of a historic drought.

"I just think the playing field has changed (and) ... we'd like to see if these people would be willing to at least tweak the agreement," Osborne said. "We've had five or six years of drought, and I don't think the agreement was designed in such a way that a five- or six-year drought was factored in."

Whitney Watson, spokesman for Kansas Attorney General Phill Kline, said Kline will look into the matter.

"We appreciate Congressman Osborne's desire to do what he believes to be in the best interests of Nebraskans," Watson

Water discussions

Rep. Tom Osborne will host public forums Saturday in York, Holdrege, McCook and Imperial on water issues. The schedule (all times are local):

York, Upper Big Blue Natural Resources District office, 105 Lincoln Ave., 8:30 to 9:30 a.m.

Holdrege, Central Nebraska Public Power and Irrigation District office, 415 Lincoln St., 11 a.m. to noon.

McCook, Community Meeting Room at the fairgrounds, West Fifth and O Streets, 1:30 to 2:30 p.m.

Imperial, Chase County High School Auditorium, 520 E. Ninth St., 3 to 4 p.m. MST

said. "We entered into the settlement agreement in 2003 because we believed it was in the best interests of Kansans."

Osborne spoke by phone Tuesday with Omaha Public Schools Superintendent John Mackiel but declined to comment about the discussion. "I talk with people from time to time," Osborne said.

See Osborne: Page 2

Osborne: Candidate addresses water, school issues

Continued from Page 1

Several weeks ago, the two met in person. Osborne met separately with the superintendents of the four suburban districts in the boundary dispute.

Neither Osborne nor the school officials would give details about the talks. Suburban school officials said no more meetings are planned.

Osborne said it would be best for the districts to settle their dispute.

"Certainly the Legislature can get involved, but the optimal solution is to work it out among themselves," he said. "Probably the worst (solution) is going to court. I don't think anybody is anxious to do that."

Nebraska water officials said earlier this month that Ne-

braska probably won't be able to give Kansas its legal share of water from the drought-plagued river next year, despite pumping cutbacks by farmers and a basinwide moratorium on new irrigation wells.

Osborne said he was concerned about the effect of the 2003 negotiated settlement on the livelihoods of farmers and others in southwestern and south-central Nebraska.

The future is grim if Nebraska must clamp down tighter on irrigation pumps and pay a possible noncompliance fine to Kansas, Osborne said.

"I don't know how we'd ever get out of the hole," he said.

Kansas sued Nebraska in 1998 in the U.S. Supreme Court, claiming that Nebraska was using more than its share of Re-

publican River water. A compact signed in 1943 allocated 49 percent of the average annual water supply of the river to Nebraska. Kansas gets 40 percent and Colorado gets 11 percent.

Under an out-of-court settlement, the amount of water each state may use varies annually, depending on stream flows. Compliance is measured on five-year running averages. In dry years, compliance is measured on a two- or three-year running average.

Osborne said it is his understanding that the settlement agreement did not take into account the effect of a multiyear drought on the river or its users.

He observed that the agreement calls for determining the impact of conservation practices on limiting rain and snow-

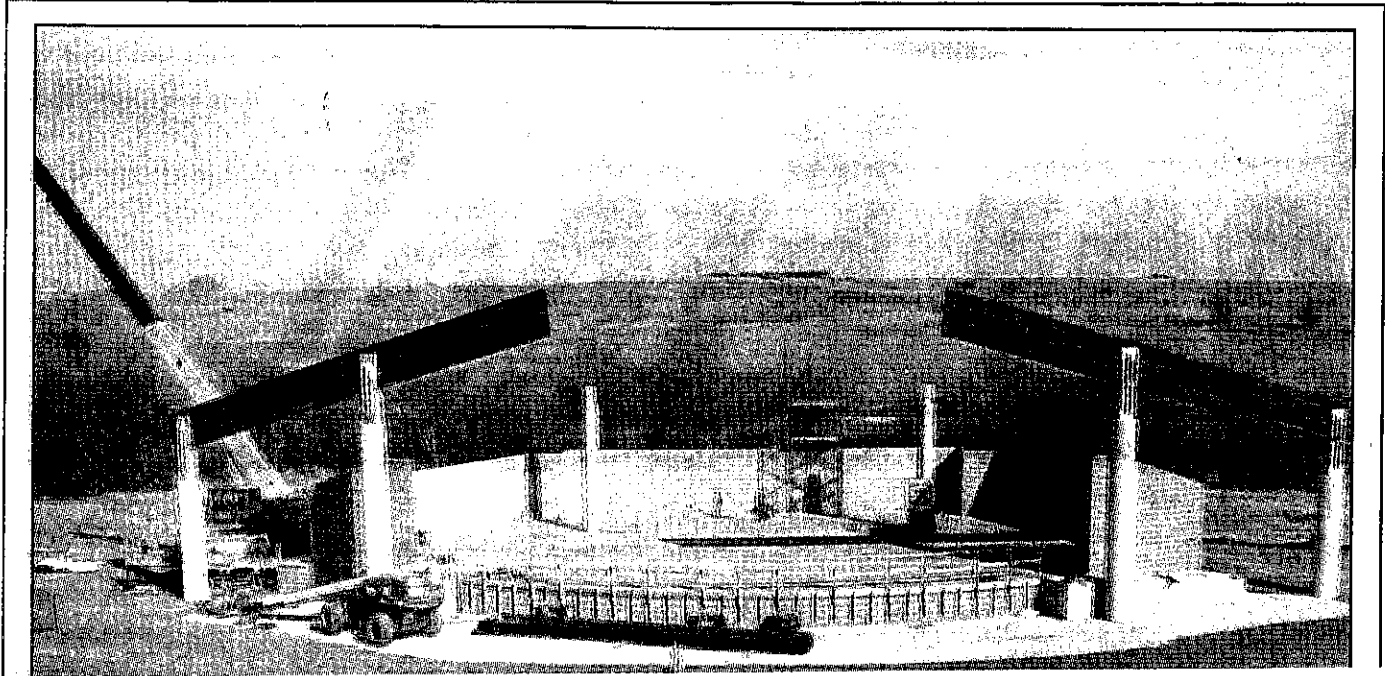
melt that makes its way to the river.

Osborne also noted that some Nebraska farmers have recently enrolled their irrigated cropland in a new voluntary federal program that pays them to turn off their pumps and restore the fields to grassland.

"Unfortunately, the program is in its infancy, and its benefits will better be able to be calculated in the future," he wrote.

Regan Anson, a spokeswoman for Nebraska Attorney General Jon Bruning, said the problem is one of the most important issues facing the state. "The attorney general is glad that the congressman has engaged in the discussion," she said.

World-Herald staff writer Michaela Saunders contributed to this report.



Pedestrian bridge gets new start

■ The city still prefers the twin-spire design, but it is no longer a certainty.

By C. DAVID KOTOK
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OMAHA WORLD-HERALD
11-24-05

Construction should start next summer on the long-delayed and financially troubled pedestrian bridge between Omaha and Council Bluffs, but its architectural significance remains in jeopardy.

The original twin-spire design is still preferred by city officials. But other options will be considered in weighing new proposals from teams offering to design and build the bridge at a set price of no more than \$23 million.

The Fahey administration has terminated its agreement with FIGG Engineering Co. of Tallahassee, Fla., to design the bridge across the Missouri River south of the Gallup University campus. FIGG already has been paid \$3 million for its work.

An entirely new procedure won approval this week, giving the project a new start.

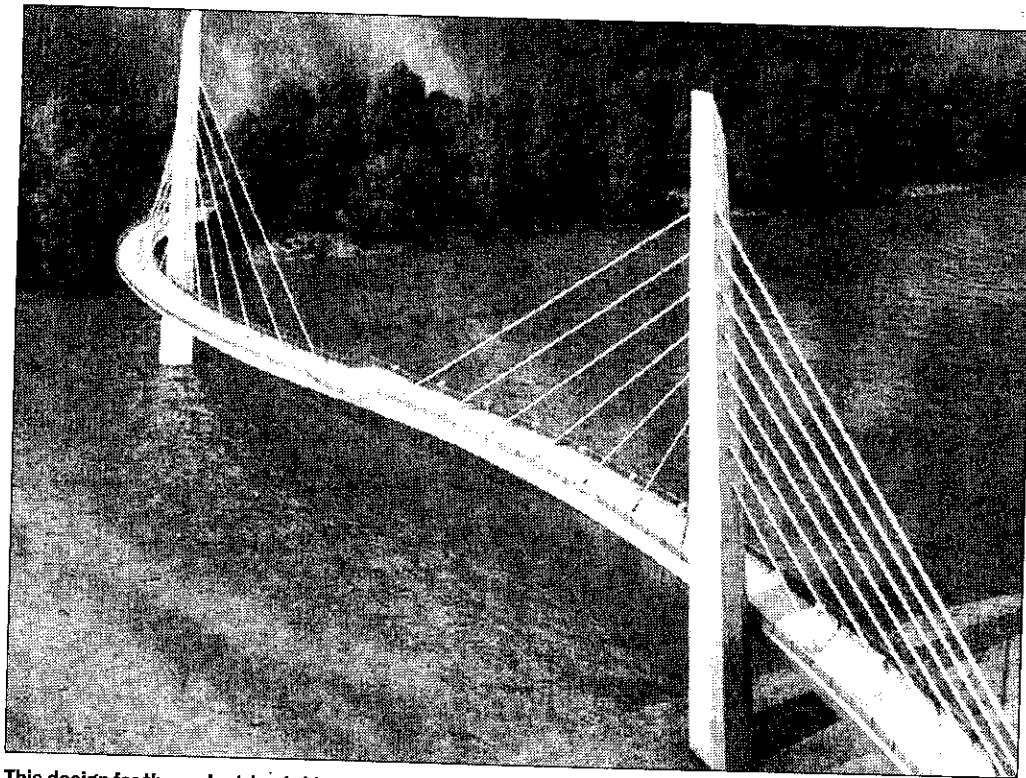
"This is good news," said City Parks Director Larry Foster. "I'm more hopeful now than I've been in a while — more hopeful than any time since we got those bids in."

City, state and federal officials had thought that by now construction would be well under way on the bridge with its long sweeping curves and majestic twin sails. Then they opened the bids in March 2004 and found that the lowest was \$22 million over budget — double the expected cost.

Over the past 18 months, city officials and FIGG tried to find a way to guarantee a scaled-back design that could go back out to bid. But, fearing that the bids for construction once again would come back well over the expected costs, Foster said, city officials decided to terminate the design contract with FIGG.

Omaha officials received final approval Wednesday from
See Bridge: Page 2

Continued



This design for the pedestrian bridge over the Missouri River is still favored by city officials, but other options will be considered as the project is restarted.

Bridge: Summer 2006 start likely

Continued from Page 1

state and federal agencies to go ahead with their effort to seek a design-build contract without going through the normal bidding procedures. In traditional projects, a complete design is developed with specified materials and then construction companies present sealed bids on their charges. Design-build is a system of contracting under which one entity performs architectural, engineering and construction work under a single contract.

No one in the mayor's office is giving up on building a pedestrian bridge that would be a landmark defining the city, said Jennifer Mahlendorf, deputy chief of staff to the mayor.

An unadorned slab of concrete across the river is unacceptable, she said.

"This will be a focal point for the riverfront," Mahlendorf said. "It's worth waiting a couple of years to make sure it's done right and will last a lifetime."

Omaha architect George Haecker, a leading advocate for the pedestrian bridge, said "it's always a worry" that the original design would be scrapped for an architecturally inferior structure.

"But there is a lot of creativity out there," Haecker said. "We could have either the cur-

rent design or an option equally exciting of signature quality."

His chief concern, Haecker said, is that cost is the overriding consideration, with quality second.

The formal request to find out if there is interest in building the project states that the bridge "will be an architecturally significant landmark."

Five teams expressed an interest, including two local firms. Hawkins Construction Co., teaming with FIGG, and HDR, acting as both designer and general contractor, are among the possible builders.

The others are Jensen Construction Co. of Des Moines, APAC-Kansas Inc. of Overland Park, Kan., and Flatiron Construction of Longmont, Colo.

Hardesty & Hanover of Annapolis, Md., and Christensen Bros. Inc. of Cherokee, Iowa, notified the city Wednesday that their companies are considering making proposals.

In 2000, then-Sen. Bob Kerrey, D-Neb., obtained \$19 million in federal funding for the pedestrian bridge. Nebraska and Iowa each came up with \$1.5 million and the Papio-Missouri River Natural Resources District added \$1 million.

Mahlendorf said the \$3 million paid to FIGG was not wasted. Any firm picked will receive all of the environ-

mental and pre-construction reports, she said, although the value does not match what was paid to FIGG.

Fahey and Council Bluffs Mayor Tom Hanafan remain confident that they can raise the additional \$5 million needed if the construction costs reach \$23 million, Mahlendorf said.

The next step will be to send out formal requests for proposals on the bridge in December or early January. Those companies interested in designing and building the project would return their proposals within four to six weeks.

At that point, a committee would select the design and construction company. Cost would not be the only consideration, Mahlendorf and Foster said. The quality of the design, the past performance of the company, the completion schedule and other factors would all be considered, they said.

Foster said the design-build concept should allow for quicker construction. Work should start by next summer, Foster said, or about the original completion date.

If there are no further delays, pedestrians and bicyclists could be crossing the bridge connecting paths on both sides of the river in late 2007 or early 2008.

New well moratorium aired at NRD talks

W-H 11-25-05

CENTRAL CITY, Neb. (AP) — The Central Platte Natural Resources District has set out to ensure the future integrity of its groundwater irrigation base as state restrictions loom.

The district board has been holding public hearings on barring, at least temporarily, the sinking of new wells or otherwise expanding irrigated areas inside the district.

The district contains 2.1 million acres.

According to the NRD, more than 925,000 district acres have access to irrigation sources. About 70,000 acres could use surface water, and the rest have access to water from 17,000 wells.

Outside the moratorium area the district set up in 2003 are 358,000 acres not irrigated. The board will decide Dec. 6 whether to broaden the moratorium along the Platte.

The board's concerns in part stem from not knowing what the State Department of Natural Resources might do when it sets boundaries on the

Platte, Republican and other rivers and streams.

The department has said the entire Central Platte NRD is fully appropriated.

In August, the state set a new irrigation limit, the "10-50" setback. Under it, there could be no net increase in irrigation inside a line where 50 years of pumping is likely to cut river and stream flow by 10 percent.

The imposition of buffer areas could force cutbacks by operators if new land is put into irrigated production.

Farmer Don Reeves believes the district is on the right track. The pending moratorium "fits the circumstances we're in right now," he said at a hearing Wednesday in Central City.

But "the NRDs were set up 30-plus years ago to handle problems as they arose, and to handle them locally and without any interference from the state," board Chairman Loren Schuett said before Wednesday's hearing.

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OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885
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JOHN GOTTSCHALK, Publisher

LARRY KING, Executive Editor GEITNER SIMMONS, Editorial Page Editor

DEANNA J. SANDS, Managing Editor

Must-solve problems

It is an eye-popping number: To bail the state out of its worst water problems in the Republican and Platte River basins, Nebraskans may wind up paying \$375 million. The amount would be paid over the next 15 years, according to one early estimate.

From whom that money would come — taxpayers, irrigators or a mix of the two — is uncertain at best. Then, too, early cost estimates are among the first numbers attached to the issue. Such projections can be overblown, aimed more to focus attention and get things moving than to state a realistic prediction of the actual outcome.

In this instance, it is up to the state Water Policy Task Force to come up with a middle ground that everyone — taxpayers and irrigators alike — can live with.

The situation pressing Nebraskans involves important concerns relating to time and money.

The state has about a decade to deal with water overappropriation in the Platte River basin in central and western Nebraska, several members of the task force say. Time is not on the side of the Department of Natural Resources, however. Whatever the solution, irrigators will have to roll back their water consumption to 1997 levels, a painful prospect. So the sooner, the better.

The bind in the Republican River basin is far tighter. In 2002, when Nebraska settled a lawsuit with Kansas, state officials agreed to stay within Nebraska's legal water allocation, figured over a three- or five-year period. In 2003 and 2004, irrigators used about 64,000 acre-feet more than Nebraska was supposed to consume. Projections indicate that in 2005, Nebraska irrigators took 20 percent, or 42,000 acre-feet, more than allowed under the agreement with Kansas.

An acre-foot is the amount of water needed to cover 1 acre to a depth of 1 foot. It is 326,851 gallons or 43,560 cubic feet of water.

With that kind of water debt, irrigators on the Republican River are in trouble. And since the estimated \$375 million to retire irrigated

**Nebraska has
to fund
water policy,
fix Republican
water shortage.**

acres would be paid over a 15-year span, those funds aren't even relevant to the immediate problem.

Nebraska also faces the difficult problem

of paying the cost of additional necessary water management plans and programs. Lawmakers didn't approve any money for that this year and instead ordered the Department of Natural Resources — aided by the task force — to figure out how to get it.

So task force members are tossing around ideas. Among them are:

- Increasing the state sales tax. The increased revenues would be dedicated to water management. The Legislature is generally reluctant to earmark funds and zealously protects its power over the sales tax.

- Establishing or increasing fees on wells, irrigated acres and property tax records.

- Sponsoring an initiative petition to dedicate state tax dollars to water.

- Asking the Legislature to approve a 3-cent property-tax rate increase for natural resources districts, perhaps limited to those in specific water management areas. The money would go for increased costs and land buyouts.

- Seeking more assistance from the federal government. An example would be the voluntary Conservation Reserve Enhancement Program already at work in Nebraska.

The challenges facing the state and its Department of Natural Resources are difficult, and lawmakers and officials will have to deal with two of them simultaneously: the Republican River water shortage and water management funding.

Eugene Glock, who heads the task force committee looking for payment options, says he is hopeful that the \$375 million figure can be reduced.

Task force members agreed that these are problems Nebraska must solve. Their job, they said, is to try to minimize the pain the solution will cause. Hope always lingers, but Nebraskans are facing grim and difficult decisions.

Water debt threatening a way of life

Lincoln Journal Star Editorial

Tuesday, November 29, 2005

When General Motors closes plants and puts thousands of people out of work, the bleakness of the situation is easy to grasp. How many urban Nebraskans are aware that a similar situation is developing in the Republican River basin?

The circumstances are usually described in the mind-numbing language of water policy and legislation. But make no mistake: Lives and livelihoods are at stake across this large swath of southern Nebraska. Farmers are losing sleep. People are looking for someone to blame. Tempers are fraying.

Only recently has the dire nature of the predicament become clear. Nebraska hasn't been living up to the terms of its agreement to give Kansas 40 percent of the flow of the Republican River, as it agreed to do in a 2002 settlement to a lawsuit.

As drought gripped the state, Nebraska failed to live up to its agreement in 2003 and again in 2004. By the end of this year, Nebraska will owe Kansas more than 100,000 acre-feet of water. An acre-foot is the amount of water needed to cover one acre to a depth of one foot.

Here's how huge the water debt is: If Nebraska stopped irrigating 100,000 acres in the basin for three years, it still wouldn't solve the problem, according to water officials.

One poignant aspect of the problem is that in recent years many of the farmers in the basin have made progress in reducing their water usage by altering their practices. Last year, the Lower Republican Natural Resources District cut back pumping by 25 percent. But it hasn't been enough — in fact, it hasn't even come close. Some experts think that if the state of Kansas seeks damages in court, it could collect in the neighborhood of \$20 million. That won't come to pass for a couple of years yet. Under the settlement, Nebraska can use a five-year average in measuring water supplied to Kansas.

In the meantime, irrigators and officials are desperately searching for a way to come up with the water Nebraska owes Kansas. A new federal program, partially funded by the state, pays farmers to take land out of irrigation, but there's uncertainty about whether the state's taxpayers are willing to expand the program. Some have proposed pumping groundwater into the Republican River. But that's a short-term solution that would make the future look even worse because it would threaten the river's flow in future years.

Farmers in the Republican River basin turned to irrigation so they could produce crops even when Mother Nature failed to supply timely rains. In drought years, they sunk hundred of new wells. But this level of irrigation is unsustainable. Nebraska really has no alternative but to adjust. The change will be wrenching but inevitable, just as it is when a General Motors plant closes.



Elk Ridge, southwest of 192nd & Blondo, is part of the changing landscape east of Elkhorn.

Changes coming to Elkhorn's eastern horizon

by Mary Lou Rodgers

The eastern horizon of Elkhorn is undergoing significant change. Just beyond the rim of the Elkhorn High School football field, grading and construction have begun, and the rural landscape is being reshaped.

On the north end, near the newly built extension of Blondo Street, an assisted living facility, the first phase of Elk Ridge, stands at the entrance to what will be an upscale development, complete with a senior living complex and residential lots for homes ranging from \$350,000 to over \$1 million apiece. Dial Land Development Company is planning the new subdivision, which will sit on the edge of a sizeable lake that the Papio-Missouri River Natural Resources District plans to create.

South of the Elk Ridge development, on 192nd Street, is the new Lyman-Richey concrete plant, which was officially dedicated with a ribbon cutting on October 31, 2005. Adjoining the 60-acre lake that the NRD will create as it builds Dam Site 13 is about 80 acres of land set aside by the City of Omaha for a future park, one that has been described by city officials as a "signature park," the Memorial Park of west Omaha. The dam site is being graded now, and should be complete by September 2006, according to NRD General Manager Steve Oltmans. The lake may take until 2009 to fill up, depending on the amount of rainfall in the next couple of years.

Dial bought 165 acres of land from the Zalkan Trust in March 2005 for the Elk Ridge project. According to Dial Realty President Chris Held, who is partnering with Rick North and Bob Welstead on planning the development, a portion of the Zalkan land was in the NRD's plans for a future dam for flood control and a recreation area. It will be the first public reservoir for flood control built in this decade, but it has been part of an Army Corps of Engineers' plan for over 30 years.



The retirement complex at Elk Ridge, which will include apartments and villas, will feature a community center where seniors can enjoy dinner, dances and interaction with the community.

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Dial sold about 64 acres of land to the NRD, but also agreed to contribute \$1.4 million to the dam project. The NRD is funding \$6.1 million for land rights and dam construction. McArdle Grading of Elkhorn, which is doing the grading for Dial, will also construct the dam, under the direction of HDR engineers and the NRD. Dial had to work with both Elkhorn and Omaha for plat approval and zoning changes, since the land involved lies in the jurisdictions of both cities.

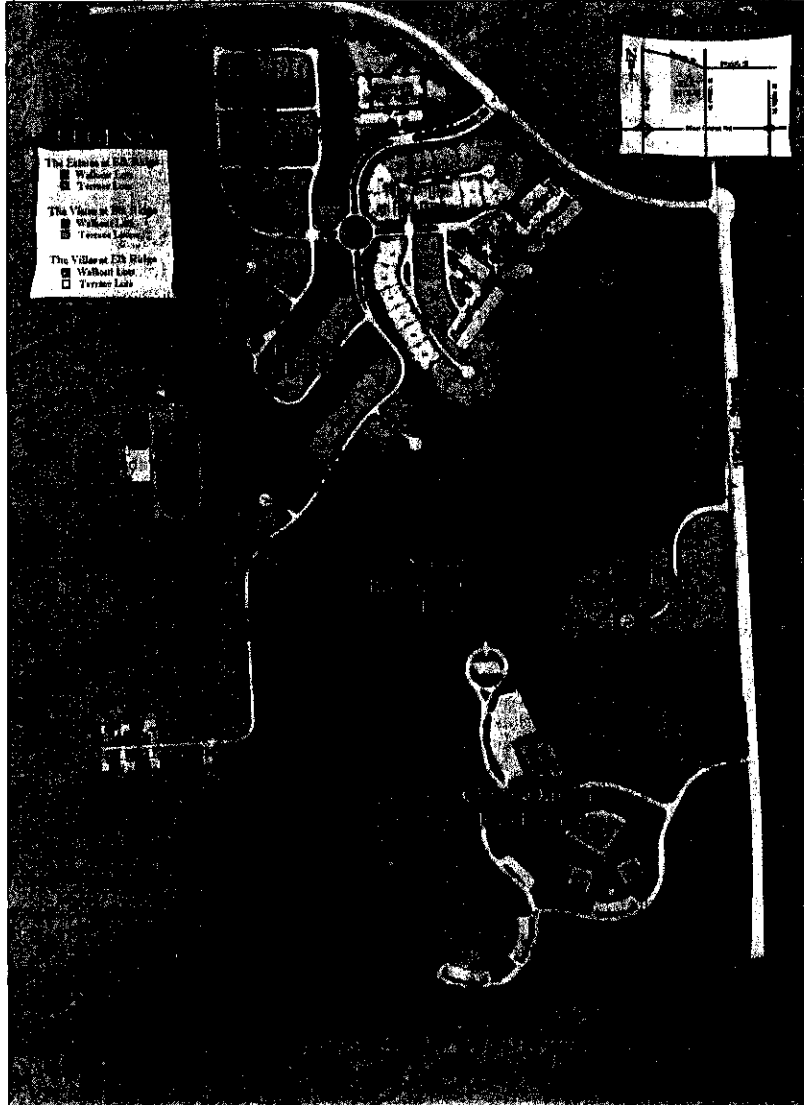
The Dial development will be the first portion of the change to appear on Elkhorn's eastern horizon. The assisted living unit is under construction, and extensive landscaping is under way. The median of the main entry will be lined with trees, and throughout Elk Ridge's phases of development, there will be water features, like a fountain and a stream, bridges, boulders, a trail and other unique features.

The assisted living center will have 68 units, 16 of which will be dedicated for memory care. Held said they expect to complete it between May and July 2006. Nearby there is land set aside for a future skilled nursing facility and a daycare for children.

On the northeast portion of the Dial property will be a retirement community, comprised of five buildings of independent living apartments, a community center, and 26 lots for The Villas at Elk Ridge. Phase I, slated for a fall 2006 completion, will include a 59-unit apartment building and the community center.

"The community center will have a country club feeling," Held said.

The villas and independent living center will offer biweekly housekeeping, landscaping and lawn services. Some services will be a la carte. Residents will pay a community fee and have access to amenities in the community center, including a beauty salon and massage, exercise area, movie



Construction of the first phase of Elk Ridge, a retirement community near 192nd & Blondo, is under way, with an assisted living unit slated for completion in mid 2006. The Papio-Missouri River NRD is building a dam and a lake, and Omaha owns land for a future park at 192nd & Dodge.

theater, bakery, deli and meals.

"We'll have dances and parties, with a country club feel," Held said.

The senior living complex concept includes a children's daycare center because the planners envision a multi-generational atmosphere where grandparents can be close to their grandchildren.

"Our goal is to get the community to use the center," Held said. "We want seniors to integrate with the community. We want families to come here, and grandkids to play."

While a lake was never part of the original plan for Elk Ridge, Held said it would offer choice spots for some of the top-end lots in the residential area that will be called The Estates at Elk Ridge. The Estates, in the middle and southern sections of the Elk Ridge development, will have 74 lots, each 100 feet wide or more. The northern end of the Estates will have homes in the \$350,000-500,000 range.

Lakefront property will be more expensive, with home ranging from \$550,000 to \$1 million. The southern portion will have villas, ranch-style duplex units.

Closer to 192nd Street and west of the assisted living center will be the Vistas at Elk Ridge, 137 residential lots, each about 90 feet wide. Held said the lots are being sold now, and a model home will be built, with more going up as they are sold. Dial is working with a group of six builders.

Southeast of the lake, along 192nd Street, Dial plans to build the Elkhorn Ridge Business Park north of the Lyman-Richey plant. Held said there could be one or more buildings up by summer 2006.

Lake to be public access

The lake will have public access all around it. Oltmans said there will be public property about 125 feet wide on the north side of the lake, and a boat ramp, parking and recreational area on the south side, adjacent to the future Omaha park.

The NRD has been working with Dial, private property owners and the City of Omaha to purchase land and build Dam Site 13. The process was nearly halted as residents protesting a dam in Washington County sought to stop construction of this dam as well, but the district

court judge denied the injunction on Dam Site 13, and work is going forward.

The Papio-Missouri River NRD has built other dams in recent years that combine flood control with recreational use. The first one was with Horgan developers for the Newport Landing lake near Bennington. Another is being constructed in cooperation with the Red Corporation at 72nd Street and Highway 370 near a new shopping center. The landowner is providing \$3 million worth of land, and the NRD is building a \$3 million dam.

"I think it goes to show that public and private partnerships continue to grow, not only in Nebraska, but across the country," Oltmans said. "It's true in most communities of any size. It's a new approach for flood control."

Oltmans said the dam sites also control sediment from going downstream in the Papio Creek, keeping the water cleaner.

Omaha's plans for a park at 192nd Street are still in the concept stage, according to Omaha Parks Acting Administrator Dave Johnson. Developing the park on Omaha's land at the northwest corner of West Dodge and 192nd Street is not yet in the City's short term or long-term budget.

• continued on page 3

Changes coming to Elkhorn's horizon

- continued from p. 1

Johnson said that Omaha plans to pursue a grant from the Game and Parks Commission to build a boat ramp area on the south side of the lake, at the north end of the Omaha property. The grant would include money for stocking fish, creating a fishing habitat shoreline, and putting in an access road, parking lot, pit toilet and lighting. If the \$270,000 concept is approved in January 2006, work could be done in the spring.

"We want to build the boat ramp

while the area is still high and dry," Johnson said.

The City of Elkhorn recently approved its share of an interlocal agreement with the NRD and Omaha. Elkhorn City Administrator Don Eikmeier said that the NRD and Dial are constructing the dam, but once it is complete, "the agreement will define who is responsible for the maintenance. The proposed interlocal agreement would split the lake down the middle with Omaha maintaining the south side, and Elkhorn maintaining

the north side.

Eikmeier said that Dial plans to build a trail on the north side, which he hopes Elkhorn will be able to link back to the high school, community center, library and downtown Elkhorn. On Omaha's side, a trail could eventually be hooked into Omaha's trail at 168th Street.

In December, the Omaha Planning Board will consider the interlocal agreement. Johnson said the Board would determine if the lake development conforms to Omaha's master plan.