

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: February 5, 2003

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 of the District for the month of January, 2003, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS**:
1. **Penny Zobel** has been hired as the District Office Secretary. She is coming to us from the Nebraska Game and Parks Commission, Realty/Environmental Services Division in Lincoln. Her first day with the District is Monday, February 10th. We all want to welcome her.
 2. Attached is a "thank you" letter from Tom Meradith, Cox Connects Kids, to Trent Heiser. The District donated old computer equipment to the program. The mission of the program is to bridge the digital divide in our community by putting new or refurbished computers into the homes of qualifying families. The Cox Connects Kids program is open to any K through 12 student and awarded based on income level.
- 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 January, 2003. Please review this report and contact me if you have any questions.
- D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL**: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of January 13, 2003. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **REPORT ON PALLID STURGEON/STURGEON CHUB TASK FORCE**: The Pallid Sturgeon/Sturgeon Chub Task Force met on January 29, 2003 in Lincoln, NE. Items discussed at the meeting were: Middle Loup Public Power and Irrigation District and Farwell and Sargent Irrigation District membership requests; Current Funding Status (State Wildlife Grant and Environmental Trust Fund ranking); Research Update; New Depletions Update and Subcommittee Reports. I have attached the information that was distributed at the meeting for your review.

F. **UPDATE ON MISSOURI RIVER LITIGATION:** The District has received a letter from Donald G. Blankenau, Special Assistant Attorney General regarding Missouri River litigation. He noted that litigation between the states of Montana, North Dakota, South Dakota, Nebraska and Missouri was initiated last spring. He reported that recently the Attorney General's office became aware of contracts between the South Dakota Department of Game and Fish (SDG&F) and Nebraska entities. The contracts appear to be unrelated to any of the duties of the SDG&F and focus on Missouri River flow needs. Mr. Blankenau believes that the SDG&F may be acquiring information to assist the State of South Dakota in litigation that could be harmful to Nebraska's interests. He is asking that the District refrain from responding to any inquiries related to Missouri River flows from any agency of the State of South Dakota and that we direct any inquiries to David Cookson of the Nebraska Attorney General's office. The District will comply with this request. A copy of Mr. Blankenau's letter is attached.

G. **UPDATE ON KIWANIS PARK:** Attached for your information is a Fact Sheet regarding the "New" Kiwanis Park (Abbott Drive and Locust Street on the south end of Carter Lake). It notes that September 2004 is the planned completion date for the park, which coincides with the 30th anniversary of the original dedication of the Kiwanis Park.

H. **NEWS CLIPS:**

- ❖ December 13, 2002, Blair Enterprise article – Supervisors unanimously nix subdivision proposal
- ❖ January 2, 2003, Burt County Plaindealer article – Burt land included in USDA project
- ❖ January 5, 2003, Omaha World Herald article – Nebraska dams large and small now costing a lot more to insure
- ❖ January 7, 2003, Omaha World Herald editorial – Voyagers are coming. Lewis and Clark bicentennial will bring many boaters to the riverfront.
- ❖ January 12, 2003, Omaha World Herald article – Just three years to change wasteland into playground
- ❖ January 13, 2003, Omaha World Herald article – Saving Big Mac's water for later. Officials have discussed at least four ways to extend the reservoir's water supply.
- ❖ January 14, 2003, Lincoln Journal Star article – Company eyes railroad property for wells. Firm wants to buy Nebraska water and ship it to other states.
- ❖ January 14, 2003, Omaha World Herald article – Group to monitor Papio watershed. A new partnership will examine water quality and flooding potential.
- ❖ January 18, 2003, Omaha World Herald article – Talk of selling water to Colorado leads to fee bill
- ❖ January 20, 2003, Omaha World Herald editorial – A better plan. Department merger would pave the way for inevitable infrastructure needs.
- ❖ January 20, 2003, Omaha World Herald editorial – Managing the Platte. UNO hosts another forum on a vital Nebraska water issue.
- ❖ January 20, 2003, Omaha World Herald article – Federal OK on Wanahoo puts project in high gear
- ❖ January 21, 2003, Omaha World Herald – Midlands Voices – Nebraska should bar the transfer of water by outside interests
- ❖ January 21, 2003, Omaha World Herald article – Farmers oppose tribal move to take over pesticide control

- ❖ January 21, 2003, Lincoln Journal Star article – River states seek water-level relief. U.S. Fish and Wildlife Service is being asked to move nests of endangered birds to higher ground.
- ❖ January 22, 2003, Omaha World Herald editorial – Ogallala challenge. Lawmakers try to protect Nebraska's water resource from raiders.
- ❖ January 23, 2003, Omaha World Herald article – Plan would let birds be moved for river barges
- ❖ January 25, 2003, Omaha World Herald editorial – Senator would junk science. Measure would bar the U.S. wildlife agency from doing its job.
- ❖ January 27, 2003, Omaha World Herald article – Washington County growth rides on adequate water
- ❖ January 27, 2003, Omaha World Herald article – Blair seeks input on rural growth
- ❖ January 29, 2003, Omaha World Herald editorial – Drought on the Missouri. River navigation is besieged by concerns for environment and, now, nature.
- ❖ January 29, 2003, Lincoln Journal Star article – DNR calls farmers, ranchers to Republican River hearings. Some rights holders may lose their surface water rights due to nonuse.
- ❖ February 1, 2003, Omaha World Herald article – Sale of water to Colorado targeted. Bills take air at a plan to ship water to drought-stricken areas outside Nebraska.

January 2003

Information & Education Report

Information

- Began preparations for the Omaha Sports Show booth
- Continued work on web site to enhance “paperless project”
- Continued work on State and Regional Envirothon competitions
- Began work on update of “Back to the River” slide program
- Assisted with public meeting of Papillion Creek Watershed Partnership
- Ordered trees/designed packaging for giveaway - spring 2003
- Continued work on Winter 2003 SPECTRUM
- Attended PRSA Professional Development Conference in Omaha

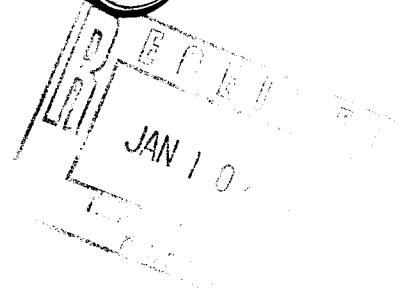
Education

- Presented to 2 Girl Scout troops
- Attended Water Works 2003 Planning meeting
- Attended Training on Outlook/Calendar programs
- Attended Copier Training
- Trained 20 professors/educators/biologists at Wayne State College in LEP
- Attended I & E meeting
- Managed 65 hours of volunteer work
- Trained Spring Education Intern
- Updated and mailed Envirothon application
- Garnered NRD staff to help teach at Water Works
- Updated tree and seed order postcard and mailed out
- Mailed Outdoor Classroom Packet to all superintendents in our district
- Updated civic opportunities flyer for Millard Public Schools
- Continued planning Spring 2003 field trips
- Worked with AAS on Spring programs and NRD/school interactions



January 2, 2003

Papio NRD
Trent Heiser
8901 S. 154th St.
Omaha, Ne. 68138




Dear Papio NRD
Trent Heiser:

On behalf of Cox Connects Kids, I would like to thank you for your donation of computer and/or computer hardware to the program. The attached page outline your exact donation including units donated, serial numbers (if available), etc.

For IRS purposes, you received no goods or services in return for this contribution.

You are a very important aspect in the continued success of our program. Thank you again for your generous donation.

Sincerely,


Tom Meradith
Turning Point



Papio NRD:

Exact donation including units donated, serial numbers (if available), etc.

Mouse	Compaq	m-538	4862A114
Mouse	NEC	logitech M535	LZ882300152
Mouse	NEC	microsoft	477880
Mouse	NEC	logitech M535	LZB82300151
Mouse	NEC	microsoft 92606	477785
Mouse	Microsoft	58264	579675
Mouse	compaq	m534	4862a011
MOUSE	NEC	MICROSOFT M535	LZ82300125
keyboard	compaq	3923	B16410HGA1JERO
keyboard	NEC	6923	TBEM6J41333
keyboard	NEC	5923	T604018296
keyboard	NEC	6923	7030091132
keyboard	Compaq	SK2860	B21A40ECPJAA3W
keyboard	Compaq	Domestic	B13990TEPII1CF
keyboard	NEC	KB8963	CHKB83107870
keyboard	NEC	KB8963	CHKB82802851
keyboard	NEC	5923	T6040182369
Monitor	AOC	spectrum 5EA	ADAK84434680
Monitor	AOC	4V	ODD73318299
Monitor	AOC	spectrum 5EA	ACAK84188087
Monitor	COMPAQ	SVGA	45205277K971
Monitor	AOC	spectrum 5EA	ACAK841880337
Monitor	EMC	564EZ	FNYU97273072U
Monitor	AOC	spectrum 5EA	ACAK84437290
CPU	NEC	powermate pro 2200	84065183697
CPU	NEC	P9005	8XA02304US
CPU	NEC	P9005	8XA02306US
CPU	NEC	P9005	8XA02305US
CPU	NEC	P9005	8XA02303US
CPU	NEC	PM PROFESSIONAL	7YA04204US
CPU	NEC	PM PROFESSIONAL	7YA04203US
CPU	NEC	powermate pro 2200	8406583697
CPU	NEC	PM PROFESSIONAL	7YA04207US
CPU	NEC	PM PROFESSIONAL	7YA04206US
CPU	NEC	P9005	8XA02302US
CPU	NEC	PM PROFESSIONAL	7YA04205US
CPU	NEC	P9005	8XA02307US



Click on the map or enter zip to get local info

Select Location-



OMAHA
 council bluffs - la vista - papillion
 bernheim - bellevue - elkhorn
 gretna - millard - ralston - valley
 waterloo - westland - west lake

FOR YOUR HOME

FOR YOUR BUSINESS

ORDER SERVICES

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CAREERS@COX

ABOUT COX



COX CONNECTS KIDS

Bridging the Digital Divide



Bridging the Digital Divide in our Community

Cox Connects Kids Application
Cox Connects Kids Teacher Referral Form

MISSION:

The Cox Connects Kids program works to bridge the digital divide in our community by putting new or refurbished computers into the homes of qualifying families.

WHO CAN APPLY:

The Cox Connects Kids program is open to any K through 12 student.
 Computers are awarded based on income level.

For more information about applying for a computer, contact Gordon Krentz at (402)934-0629 or send an email to coxconnectskids@cox.com.

HOW DOES IT WORK:

Interested students must complete an application form available online below or at selected Omaha Public Schools, Omaha Archdiocesan Schools, LaRaza, and Turning Point. Applications can also be obtained by calling Gordon Krentz or Kelly Sare at 933-2000.

CCK Application
CCK Teacher Referral Form



Quick L

Completed form should be returned to:
COX CONNECTS KIDS
11502 W. DODGE RD.
OMAHA, NE 68104

The Cox Connects Kids Executive Board reviews all applications on a monthly basis to determine qualifying applicants. The program requires selected applicants to complete a 3-hour "Learn and Earn" program prior to receiving their computer.*

WHAT IS EXPECTED:

Qualifying families will be asked to attend a 3-hour "Learn and Earn" program with at least one parent/guardian in attendance along with their child. At the completion of the course, computers will be awarded and sent home with participants.

THE LEARN AND EARN PROGRAM COVERS:

How to set up your computer
Introduction to computers
How to use e-mail
Safe Internet surfing tips

WHAT IS PROVIDED:

In addition to the initial "Learn and Earn" course, recipients receive continued support through a helpdesk phone line. Software is provided along with the computer as well as information on how to obtain free or low-cost Internet service.

COMPUTER DONATIONS:

To get the program started, Cox donated more than one hundred CPU's as well as dozens of monitors, keyboards and printers. In addition, AIM Institute provided a substantial amount of hardware to the program. In going forward, the program will depend on donations from local businesses as they are constantly upgrading their technology.

For more information about donating used computers to Cox Connects Kids, contact: Gordon Krentz at (402)934-0629 or send an email to coxconnectskids@cox.com

REFURBISHING PROCESS:

The computer refurbishing process is divided into two elements using students from South High School and Northwest High School. The first element asks for student volunteers looking for some additional computer experience while building their resume. The second element of the program is a paid internship in which students

gain valuable experience in the world of information technology.

*At this time, due to the outstanding response of this program, there is an extensive waiting list of families waiting to receive computers. A current wait time of 6-7 months is typical. We apologize for any inconvenience.

[Customer Service](#) | [Search Cox.com](#) | [Yellow Pages](#)
[Motorola Set-top Box Advisory](#)

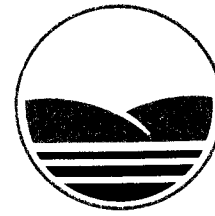
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January, 2003

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“Confidential”

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



**PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT**

8901 S. 154TH ST.
OMAHA, NE 68138-3621
(402) 444-6222
FAX (402) 895-6543

★ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

C = Completed

P = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road (Woodward):**
 - Subordination Paperwork for Happy Hollow (W)
- **Little Papio:** (Cleveland)
- **Big Papio :** (Cleveland)
 - Whitted Creek Easements to Vacanti (W)
- **West Branch** (Cleveland):
 - ★ Twin Creek deeds (W)
 - Land Exchange with Sarpy Co. (96th St.) (F)
 - Land Exchange with Gollehon (96th St.) (F)
 - ★ Sloderbeck ROW Agreements (W)
- **Western Sarpy Dike** (Sklenar, Cleveland):
 - ★ File condemnation on Jansen Parcel (O) – (Roger Schiffermiller)
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Complete easements – three dikes and one drainage ditch (F)
 - Interlocal Agreement with Army National Guard (P)
 - Amended drainage ditch easement on Hickey (First National Property) (N)
 - Preview Corps draft scope of services (N)
- **Floodway Purchase Program** (Woodward):
 - Elbow Bend Purchase Agreements as needed (F)

(Over)

- **Trail Projects** (Bowen):
 - Western Douglas County Trail Agreement (N)
 - Brawner Liability Suit (Platte River Connection) (O)
 - One Pacific Place Closing Documents (P)
- **Missouri River Corridor Project** (Becic):
 - ★ California Bend – Review PA, easements, final settlement (Wright's) (W)
 - ★ Lower Decatur Bend – Appraisal Review, prepare ROW purchase agreement documents, public hearing notice/letters, etc. (W)
- **USDA P.L. 566 Projects and Silver Creek Watershed** (Puls/Petermann/Cleveland):
 - Papio Site S-30 – development agreements (F)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
 - Waterford (D-17) Agreement (W)
- **Papio Watershed Dam Sites:**
 - Dam Site 19 agreement (Petermann) (W)
 - ★ Candlewood Easements (Chris Curzon) (O)
 - Dam Site 13 Agreement (Petermann) (F)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - Storm water Utility Legislation (P)
 - Dakota County/South Sioux City Interlocal Agreement (P)
- **Rural Water Projects:** (Sklenar)
 - Dakota County Rural Water – South Sioux City sale agreement (F)
- **Other:**
 - Ice Jam Explosives Contract (N)

PALLID STURGEON/STURGEON CHUB TASK FORCE MEETING

JANUARY 29, 2003 1:30 PM

EMBASSY SUITES, LINCOLN, NEBRASKA

- > Opening remarks and review of minutes -- **Kirk Nelson**
- > Middle Loup Public Power and Irrigation District membership request --- **Kirk Nelson**
- > Farwell and Sargent Irrigation District membership request – **Tom Knutson**
- > Current Funding Status – **Dean Edson and Frank Albrecht**
 - State Wildlife Grant
 - Environmental Trust Fund ranking
- > Research Update – **Dr. Ed Peters**
- > New Depletions Update – **Sue France**
- > Subcommittee Report -- **Brian Barrels**
- > Wrap up and set next meeting date and location

**MIDDLE LOUP PUBLIC POWER
AND IRRIGATION DISTRICT**

P.O. BOX 37

**ARCADIA, NEBRASKA 68815-0037
308-789-6401 • FAX 308-789-6401
ALLAN J. SCHMIDT, MANAGER**

DIRECTORS

**ELDON KIEBORZ, President
ED GIBBONS, Vice President
ROLEN SELL, Sec./Treas.**

DIRECTORS

**TERRY PALU, Director
ROLLAND STEFKA, Director**

December 3, 2002

Kirk Nelson
P.O. Box 30370
Lincoln, NE 68503

Dear Mr. Nelson:

The Middle Loup Public Power and Irrigation District is asking that they, along with the North Loup River Public Power and Irrigation District be recognized as co-members of the Pallid Sturgeon study group.

This would be the same membership now held by North Loup River Public Power and Irrigation District with Jim Pinkman to remain as our representative.

We are asking that this membership be allowed at \$3,000 per year for the remainder of the 5 year study.

If you have any questions or comments, please call me at 308-789-6401.

Thank you.

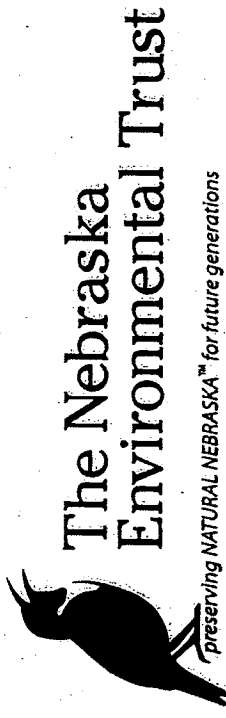
Very truly yours,

**MIDDLE LOUP PUBLIC POWER
AND IRRIGATION DISTRICT**

Allan J. Schmidt

Allan J. Schmidt, Manager

AJS:nae



2003 Preliminary Rank Order List

The Nebraska Environmental Trust is accepting written public comment on the 2003 Preliminary Grant Recommendations until Friday, March 28, 2003.

Comments should be addressed to: Nebraska Environmental Trust
2200 North 33rd St.
Lincoln, NE 68503

A public hearing will be held on April 4, 2003 at 1:30 p.m. at the Nebraska Game & Parks Commission – 3rd floor meeting room. You may address the board on the recommendations during this hearing.

Please contact the Trust office at (402) 471-5409 if you have any questions regarding these recommendations.

Contacts: Mary A. Harding, Executive Director or Lisa Beethe, Grants Administrator

Rank Order List: Year 2003

Preliminary Recommendations

1.2 New

Rating	Sponsor	App. No.	Project Name	Award	Intent: Yr.2	Intent: Yr.3
198	Lincoln, City of	03-133	Holmes Lake Restoration Project	\$150,000	\$250,000	\$220,000
178	Nebraska Water Policy Task Force	03-164	LB 1003 Water Policy Study/Project	\$350,000	\$0	\$0
176	Nebraska State Recycling Association	03-143	Nebraska Equipment Coordination Grant	\$180,000	\$0	\$0
155	South Sioux City, City of	03-145	Crystal Cove Revitalization Project	\$40,000	\$80,000	\$0
153	South Platte Natural Resources District	03-136	Center Pivot Conversion Incentive Program	\$100,000	\$100,000	\$100,000
150	Wybraska District - Boy Scouts of	03-103R	Ft. Robinson Tree Replant	\$15,000	\$0	\$0
148	Kleager, Dr. Lou	03-150	Chadron Creek Ranch	\$100,000	\$500,000	\$400,000
147	Loup Basin Resource Conservation and Development Council	03-126	Cedar River Corridor Project	\$64,000	\$0	\$0
146	Pheasants Forever - Southwestern Nebraska chapter	03-111R	No-till Drill	\$15,000	\$0	\$0
144	Nebraska Public Power District	03-158	Double Dutch Dairy Methane Recovery	\$100,000	\$100,000	\$0
141	Pheasants Forever - Tri County Chapter	03-137R	No-Till Drill	\$15,000	\$0	\$0
140	Nebraska Department of Environmental Quality	03-115	Decommissioning Abandoned Wells In Wellhead Protection Areas	\$37,500	\$37,500	\$0
139	Nebraska Grazing Lands Coalition	03-124	Northeastern Nebraska Range Conservation Program	\$0	\$0	\$0
139	Nebraska Game and Parks Commission	03-122R	Environmental Education Trunks	\$0	\$0	\$0
139	The Nature Conservancy	03-131	Middle Niobrara River Conservation Easements	\$0	\$0	\$0
139	University of Nebraska - Cooperative Extension	03-151	Livestock Producer Environmental Assistance Project	\$0	\$0	\$0
137	Nemaha Natural Resources District	03-112	Kirkman's Cove Watershed Mgmt Plan, Implementation of Best Mgmt Practices	\$0	\$0	\$0
137	South Platte Natural Resources District	03-155	Evaluation of Source Water to Sidney's North Well Field	\$0	\$0	\$0
137	Outlaw Trail Scenic Byway and Partners	03-167	Lewis and Clark Old Baldy Site Preservation	\$0	\$0	\$0
137	Nebraska Game and Parks Commission	03-170	Nebraska Central Basins Resource Area CREP	\$0	\$0	\$0
136	Pheasants Forever - Pawnee Chapter	03-107R	No-Till Drill	\$0	\$0	\$0
136	Pheasants Forever - Great Plains Chapter	03-110R	No-till Drill	\$0	\$0	\$0
136	Pheasants Forever - Dixon County Chapter	03-113R	No-Till Drill	\$0	\$0	\$0
135	Kearney, City of	03-108	Kearney Area Recycling Center	\$0	\$0	\$0
133	Bellevue, City of	03-149	Bellevue's Missouri Riverfront Preservation Project (BMRPP)	\$0	\$0	\$0
133	North Platte Natural Resources District	03-162	Modeling Sustainable Water Use In the North Platte Basin	\$0	\$0	\$0

Rating	Sponsor	App. No.	Project Name	Award	Intent: Yr.2	Intent: Yr.3
131	National Wild Turkey Federation	03-109	Enhancing Riparian Habitat for Wildlife and Water Quality in Nebraska	\$0	\$0	\$0
130	Nebraska Association of Resources	03-129	Pallid Sturgeon and Sturgeon Chub Study of the Lower Platte River	\$0	\$0	\$0
130	Nebraska Game and Parks Commission	03-146	Conservation Reserve Program - Management Access Program	\$0	\$0	\$0
130	Nebraska Wildlife Federation	03-159R	Stream Conservation Workshops	\$0	\$0	\$0
129	Northern Prairie Wildlife Research Center	03-114	Improving Investment Return and Habitat Management Decisions	\$0	\$0	\$0
*128	Nebraska Law Enforcement Training Center	03-128	Environmental Crimes Awareness Training	\$50,000	\$0	\$0
127	Ericson Lake Corporation	03-101	Aquatic Ecosystem Restoration	\$0	\$0	\$0
127	Middle Republican Natural Resources	03-118R	Enviroscape	\$0	\$0	\$0
127	Iodence, Brian	03-130	Restoration of a Niobrara River Wetlands: Shared Outdoors	\$0	\$0	\$0
127	Nebraska Game and Parks Commission	03-142	Nebraska Native Grassland Partnership	\$0	\$0	\$0
126	Nebraska Corn Growers Association	03-165	Wellhead Buffer Demonstration	\$0	\$0	\$0
124	University of Nebraska - Omaha	03-139	Environmental Kaizen	\$0	\$0	\$0
124	U.S. Fish & Wildlife Service	03-141	Central Platte River Habitat Restoration	\$0	\$0	\$0
123	Western Research Institute	03-105	Using Recycled Plastic in Corrugated Polyethylene Drainage Pipe	\$0	\$0	\$0
122	Fontenelle Nature Association	03-157R	H2Omaha: Missouri River Science Educational Initiative	\$0	\$0	\$0
122	Nebraska Game and Parks Commission	03-168	Development of a Nebraska Biodiversity Conservation Plan	\$0	\$0	\$0
121	Nebraska Game and Parks Commission	03-117R	Trail Tales Magazine Special Editions	\$0	\$0	\$0
120	Cannila, James C.	03-119R	Lewis Lake Wetland Rehabilitation	\$0	\$0	\$0
118	Rosso, Marc	03-104R	Winter Creek Wetlands Restoration	\$0	\$0	\$0
116	Western Irrigation District	03-156	Western Irrigation District Efficiency Improvement	\$0	\$0	\$0
115	Lower Platte South Natural Resources	03-147	Natural Channel Design of Dead Man's Run and Tributary at UNL-East Campus	\$0	\$0	\$0
114	Dakota County Board of Commissioners	03-132	Crystal Lake Project	\$0	\$0	\$0
114	Prairie Hill Learning Center	03-144	Prairie Power: Nebraska's First Wind and Solar Powered School and Energy Education Center	\$0	\$0	\$0
113	Keep Creighton Beautiful	03-127R	Creighton Recycling	\$0	\$0	\$0
111	Capital Beach Community Association	03-106	Capital Beach Lake Improvement Project	\$0	\$0	\$0
111	Ducks Unlimited, Inc.	03-154	Partnership for the Restoration of Nebraska's Wetland Resources	\$0	\$0	\$0
110	Nebraska Wildlife Rehabilitation, Inc.	03-163	The Great Plains Environmental Technology TREKS	\$0	\$0	\$0

<i>Rating</i>	<i>Sponsor</i>	<i>App. No.</i>	<i>Project Name</i>	<i>Award</i>	<i>Intent: Yr.2</i>	<i>Intent: Yr.3</i>
109	Dolberg, Steve	03-120R	Smartweed Springs Wetland Rehabilitation	\$0	\$0	\$0
109	Nebraska Game and Parks Commission	03-123R	Wildcat Hills Nature Center Resource	\$0	\$0	\$0
109	University of Nebraska - Omaha - Board of Regents	03-166	Hazardous Waste Management Model: An Integrated System Development Model	\$0	\$0	\$0
107	AIM Environmental Consulting	03-148	Practical Application of Purple Loosestrife Control by the White-lined Sphinx Moth	\$0	\$0	\$0
105	Nebraska Game and Parks Commission	03-116R	Wildlife Education Grant	\$0	\$0	\$0
103	Nebraska Wildlife Federation	03-153R	Rare Orchid Conservation in Central Nebraska	\$0	\$0	\$0
102	Center for Rural Affairs	03-121	Maximizing Nebraska Farm Bill Conservation Participation	\$0	\$0	\$0
102	Fontenelle Nature Association	03-160R	Exotic Plant Control on FNA Properties	\$0	\$0	\$0
99	Ashton, Village of	03-125R	Ashton Tree Recycling	\$0	\$0	\$0
99	InfoSafe Shredding, Inc.	03-140	Mobile Shredding Unit #2	\$0	\$0	\$0
97	Nebraska Partnership for All-Bird Conservation	03-169R	Statewide Capacity Building for the Conservation of All Birds	\$0	\$0	\$0
95	Business for Environmental Leadership	03-134	BEL	\$0	\$0	\$0
94	Nongame Bird Conservation and Education Program	03-152	Building Capacity for Bird Conservation Through Education	\$0	\$0	\$0
93	University of Nebraska - Omaha	03-135R	Providing Science on Environmental Issues for the General Public	\$0	\$0	\$0
91	Keep Omaha Beautiful, Inc.	03-102R	Environmental Education - Steve Trash	\$0	\$0	\$0
83	Crofton Community Schools	03-161R	Safety for Students	\$0	\$0	\$0
68	Pappas, James E.	03-138	Indian Nations	\$0	\$0	\$0
-	Platte River Basin Environments, Inc.	01-122-3	Clive Ostenberg Flyway	\$500,000	\$0	\$0
-	Center for Rural Affairs	01-128-3	Breaking New Ground: Managing Soil Carbon at the Farm Scale	\$50,000	\$0	\$0
-	CLEAR Team	01-136-3	Community Lakes Enhancement and Restoration	\$775,000	\$0	\$0
-	Central Platte Natural Resources District	01-156-3	Cooperative Hydrologic Modeling & Assessment	\$450,000	\$0	\$0
-	Lincoln, City of	01-157-3	Wilderness South Project	\$175,000	\$0	\$0
-	Ducks Unlimited, Inc.	01-162-3	Wetlands Acquisition, Restoration and Enhancement in the Rainwater Basin Region	\$200,000	\$0	\$0
-	Chadron State College	01-163-3	The Mari Sandoz High Plains Heritage Center Project	\$100,000	\$0	\$0
-	Joslyn Castle Institute for Sustainable Communities	01-172-3	Regional Planning, Design & Evaluation/S.E. Nebraska	\$75,000	\$0	\$0

<i>Rating</i>	<i>Sponsor</i>	<i>App. No.</i>	<i>Project Name</i>	<i>Award</i>	<i>Intent: Yr.2</i>	<i>Intent: Yr.3</i>
-	Nemaha Natural Resources District	01-174-3	Turkey Creek Project	\$75,000	\$0	\$0
-	Rainwater Basin Joint Venture	01-180-3	Wetland Restoration and Management	\$400,000	\$0	\$0
-	Pheasants Forever, Inc.	01-185-3	Corners for Wildlife	\$225,000	\$0	\$0
-	Prairie Plains Resource Institute	01-191-3	Land Acquisition, Ecological Restoration & Resource Center Development in Hamilton County	\$200,000	\$0	\$0
-	Lower Platte South Natural Resources	02-112-2	Conservation Easements to Preserve the Denton Tallgrass Prairies	\$150,000	\$150,000	\$0
-	Lewis & Clark Natural Resources District	02-115-2	Powder Creek Reservoir Water Quality	\$88,000	\$0	\$0
-	Nebraska Statewide Arboretum	02-123-2	Nebraska Green Space Stewardship Initiative III	\$250,000	\$250,000	\$0
-	Lincoln, City of	02-128-2	Eastern Saline Wetlands Project	\$250,000	\$250,000	\$0
-	Nebraska State Irrigation Association	02-129-2	Integrated Irrigation Improvement Project	\$67,000	\$57,000	\$0
-	Nebraska Agri-Business Association, Inc.	02-130-2	Disposal of Unwanted Pesticides	\$125,000	\$0	\$0
-	Firststar Fiber, Inc.	02-138-2	Closed Loop Recycling	\$250,000	\$0	\$0
-	Nemaha Natural Resources District	02-142-2	Nemaha Basin Impaired Waters Pilot Project	\$62,700	\$0	\$0
-	Ducks Unlimited, Inc.	02-144-2	Acquisition of Critical Habitats in the Rainwater Basins Using a Revolving Fund Approach	\$150,000	\$150,000	\$0
-	University of Nebraska - Lincoln	02-149-2	Comprehensive Nutrient Management Plans in Nebraska	\$60,000	\$30,000	\$0
-	Alliance, City of	02-152-2	Snake Creek Tributary Restoration	\$115,000	\$111,000	\$0
-	North Platte Natural Resources District	02-160-2	Habitat Restoration of Nine Mile Creek	\$75,000	\$0	\$0
-	Terri and Plover Conservation Partnership	02-161-2	Common Sense Conservation of Endangered Species	\$50,000	\$66,000	\$0
-	The Nature Conservancy	02-166-2	Upper Niobrara River: Cherry Ranch	\$300,000	\$300,000	\$0
-	Audubon Nebraska	02-174-2	Spring Creek Prairie Visitors Center	\$350,000	\$0	\$0
-	The Conservation Fund	02-176-2	Newton/Elk Point Bend Acquisition	\$218,000	\$0	\$0
-	Rocky Mountain Bird Observatory	02-185-2	Prairie Partners - Conservation of Shortgrass Prairie Birds and their Habitats	\$30,000	\$30,000	\$0
<i>Grand Totals</i>				\$7,032,200.00	\$2,461,500.00	\$720,000.00

- Project carried over - rated in previous year(s)

* Project will be awarded from a special Environmental Law Enforcement Fund from an EPA Fine settlement.

Subject: Nebraska Game and Parks Commission News Release

Date: Sat, 7 Dec 2002 09:37:49 -0500

From: NGPCNews@ngpc.state.ne.us

To: undisclosed-recipients;; Message-ID:

Outdoor News



FOR IMMEDIATE RELEASE

Nebraska Game and Parks Commission
2200 N. 33rd Street
Lincoln, NE 68503
Website: <http://www.ngpc.state.ne.us>
Contact: Tom Keith

Game and Parks Commission Seeks Public Comment on Grant Award Recommendations

LINCOLN, Neb. – The Nebraska Game and Parks Commission is seeking public comment on recommended awards for State Wildlife Grants. The State Wildlife Grants Program is funded through the U.S. Fish and Wildlife Service and resulted from the efforts of thousands of conservation groups that convinced Congress of the urgent need for non-game wildlife conservation funding.

The Commission made \$564,000 available for the grant program this year. A technical review committee and advisory committee reviewed the grant applications and recommended funding for 16 of 41 grant applications.

"The large number of high quality projects demonstrates the urgent need for these funds and the strength of Nebraska's conservation community," said Mark Humpert, Commission wildlife diversity program manager. "We would have liked to fund many more projects, but demand was much greater than available funds."

Individuals or groups can review the grant applications and make written comments to the Commission between Dec. 6 and Dec. 20 at Commission headquarters in Lincoln. Funding recommendations will be considered by the Nebraska Game and Parks Board of Commissioners at its Jan. 17 Commission meeting. Comments can be sent via mail or email to Mark Humpert, Wildlife Diversity Program Manager, Nebraska Game & Parks Commission, P.O. Box 30370 Lincoln, NE 68503 or by email to mhumpert@ngpc.state.ne.us

Recommended projects, with project type, applying entity and recommended grant amount are: Northeast Nebraska Oak Savannah Restoration Prairie Plains Resource Institute, \$40,000; Restoration of a Sandhill's Fen, Ducks Unlimited \$12,000; Nebraska Tallgrass Prairie Partnership, Nebraska Game & Parks Commission \$50,000; Pallid Sturgeon and Sturgeon Chub Study of the Lower Platte River, Nebraska Association of Resource Districts \$48,000; Building a Statewide Partnership for Bird Conservation, Nebraska Partnership for All Bird Conservation/NGPC \$18,500; Shortgrass Prairie Bird Monitoring in Nebraska, with special surveys for Mountain Plover, Burrowing Owl, and Ferruginous Hawk, Nebraska Prairie Partners/Rocky Mountain Bird Observatory \$80,000; Sandhills Wildlife Enhancement Project, Sandhills Task Force \$30,000; Biological Evaluation of Central Platte River Slough Wetland Restorations, Southern Illinois University \$32,933; Invertebrate Response to Wetland Management Practices, Land-use Practices, and Restorations in the Rainwater Basin Region, Oklahoma State University \$39,297; Wachiska Audubon Tallgrass Prairie Protection Program-NET Supplemental Grant, Wachiska Audubon Society \$25,000; Tern and Plover Conservation Partnership: Bringing Conservationists and Resource Users Together to Address the Challenges of Endangered Species Management, University Nebraska-Lincoln \$45,000; Important Bird Areas of Nebraska, Audubon

Nebraska \$32,000; Assessment of the Health and Reproductive Status of River Otters in Nebraska, Nebraska Game & Parks Commission \$20,000; Controlling Spread of nine Invasive Plant Species on Lands Owned by the Fontenelle Nature Association, Fontenelle Nature Association \$10,000; Grassland Bird Response to Disking/Interseeding of Legumes on Conservation Reserve Program Lands in Northeast Nebraska, Nebraska Game & Parks Commission \$49,000; Tallgrass Prairie Habitat Database, Nebraska Wildlife Federation \$32,803.

Total funding requests for all applications was \$2,532,327 with total project costs of \$6,787,766. The total amount of recommended funding for successful applications was \$564,533. For a full list of all applications and funding information, contact Humpert at the above address.

Photos to use with NGPC News Releases can be downloaded
from the Outdoor Nebraska Photo Gallery:
[Go to the Gallery](#)

**APPENDIX A (Document #3 Revised 1-24-03)
Cost Breakdown for Pallid Sturgeon/Sturgeon Chub Task Force & Grant Proposal for 2003-2004**

Year 2003									
Project Description	Project #	NRD's/PD's	NGPC	Grant	TOTAL (hard \$)	In-kind UNL	Total Cost	Surplus	
#1 Current project (Original Proposal)	1	\$48,000	\$146,000	\$62,000 *	\$256,000	\$133,000	\$389,000		
#1a Current Project (without SWG)	1	\$92,000	\$164,000	\$0	\$256,000	\$133,000	\$389,000		
#1b Current Project (with SWG)	1	\$92,000	\$164,000	\$48,000 **	\$304,000	\$133,000	\$437,000	\$48,000	
Year 2004									
Project Description	Project #	NRD's/PD's	NGPC	Grant	TOTAL (hard \$)	In-kind UNL	Total Cost		
#1 = Current project (Original #1 Proposal)	1	\$48,000	\$143,000	\$62,000 *	\$253,000	\$133,000	\$386,000		
#1a = Current project (without SWG)	1	\$92,000	\$161,000	\$0	\$253,000	\$133,000	\$386,000		
#1b = Current project (With SWG)	1	\$92,000	\$161,000	\$62,000 **	\$315,000	\$133,000	\$448,000	\$62,000	
#2 = #1 + add. fish sampling & water quality (Original #2 Proposal)	2	\$62,000	\$143,000	\$118,000 *	\$323,000	\$136,520	\$459,520		
#2 = #1 + additional fish sampling	2	\$84,000	\$157,000	\$62,000 **	\$303,000	\$133,000	\$436,000		

* = ETF or State Wildlife Grant
** = State Wildlife Grant

⊗ approved #1 will receive SWG, new member will account for 4000, GAC additional \$10,000

RECOMMENDED FUNDING FROM TASK FORCE MEMBERS FOR THE PALLID STURGEON/STURGEON CHUB STUDY

* Includes State Wildlife Grant

NEBRASKA GAME AND PARKS COMMISSION MEMO

TO: Individuals interested in **Pallid and Lake Sturgeon**

From: Darrell E. Feit, Director, Ak-Sar-Ben Aquarium, 402.332.3901,
21502 West Highway 31, Gretna, NE 68028--dfeit@ngpc.state.ne.us

Subject: **Pallid and Lake Sturgeon** catches in Nebraska, Jan. 1 to Dec. 31, 2002

Date: June 14, 2002

Listed below are the reports of sturgeon catches for the year 2002. Catches for prior years are in different reports, if you need information prior years contact me.

NOTE: This year I will attempt to rate all catches into one of three categories;

1. Actual observation of the fish by a fishery biologist, where identification can be made.
2. A catch reported by an individual that has either caught a fish in the past or one that correctly answers questions ask about identification. A report that I feel is accurate.
3. A catch reported by an individual that leaves doubt in my mind as to what specie it might of been.

March 30, 2002, Hector Mancilla, 1737 S 10th St, Omaha, NE 68108, phone 346.5392 reported catching and releasing a **tagged Lake Sturgeon**. The fish was approximately 36 inches in length, about 6 pounds and was taken on a night crawler. It was caught at river mile 615 on the Nebraska side at the 2nd from the bottom wing dike. The fish was a tagged Missouri fish, tag # LS4309, the tag came off during handling. The fish was tagged 9.30.94 at river mile 97.7, Herman Mo and was 8 to 12 inches in length. Pin and book sent, a #1 catch because of the tag.

April 1, 2002, Tom Patton, 9211 Weir St., Omaha NE 68127, phone 593.0787 reported catching and releasing a **Lake Sturgeon**. The fish was 33 inches in length and taken on a night crawler. It was caught at river mile 594, Schilling Wildlife area, just below the mouth of the Platte, on the Nebraska side. Tom has caught both lake and pallid's in the past so I would rate this as a #2 catch. Pin and book sent.

April 7, 2002, Jeremy Gregg, 14110 S 84th, Papillion, 68046, phone 402.592.0046 reported catching and releasing a **Pallid Sturgeon**, 28 inches in length, at Schilling Wildlife area. I was

contacted by email, unable to talk to person who caught fish. There fore a #3 catch, nothing sent.

April 18, 2002, Jeff Borge, 512 East Patton, Papillion NE, 68046, 402.339.3110 reported catching and releasing a **Pallid Sturgeon** from the Platte River at the Canoe launching site at the east end of Schramm Park. The fish was caught on a nightcrawler and was 25 ½ inches in length. In visiting with Jeff, I rated this as a #2 catch. Pin and book sent.

May 8, 2002, Ted Hirtes, Omaha caught and released a **Pallid Sturgeon** from the Missouri River at mile marker 593. The fish was 33 inches long and was caught on a night crawler. Ted is a Missouri River fishing guide and has caught and released several Lake's and Pallid's in the past. And I have confidence in his ability to identify the fish. This is a #2 catch. Pin and book sent.

May 18, 2002, Walt Sakalosky, 1907 Z St. Omaha, NE 68107, 731.4561 reported catching and releasing a **Lake Sturgeon**, from the Platte River, approximately 2 miles west of the Highway 75 bridge on the south side. The fish was 44 ½ inches in length and weighed 24 pounds and was released at the site. It was taken on a set line with night crawlers as bait. The fish was not tagged, Walt will bring by a photo of the fish. This is a #2 catch. Pin and book sent.

May 23, 2002, Dr. Ed Peters, Mike Kaminski, Keller Kopf and Tyler Pearson from UNL were drifting gill nets in the Platte River above the Hwy 50 bridge at Louisville and captured a **Pallid Sturgeon**. It was 40 ½ inches in fork length(1030mm), weighed 9lbs 2 Ozs.(4.1kg), sex undetermined. The substrate was sand, depth ranged from 0.3 to 1.0 meters in depth, mean column velocities ranged from 0.38 to 0.65 m/s, bottom velocities ranged from 0.12 to 0.36 m/s. The fish was captured at the drop off downstream from a submerged sandbar. The location of capture was (GPS) N 41.01097 W 096.16521, which is about ¾ mile upstream from the highway 50 bridge. The fish was tagged with a PIT tag # 422D7E234F and also implanted with a radio transmitter with expected battery life of 600 days, set at Frequency 49.721. This is a #1 catch.

May 23, 2002, Gordon Chrisman, 309 N King St., Cedar Bluffs, NE 68015, 628.8268 reported catching and releasing a **Pallid Sturgeon** the from the Elkhorn river, Washington County, 2 miles upstream from Hwy 91 bridge. This area is near Camp Cross Arrows, however I could not find it on any map that I have. The fish was caught on a bluegill 3-4 inches in length, the fish was 36 inches in length. Gordon has photos of the fish and is going to get them to me. Currently a #2 catch, with photos it could be a #1. Pin and book sent. Photos received 8.12.02, I'm confident it is a Pallid. ←

May 25, 2002 An unknown caller left a message that he had caught 2 **tagged pallid sturgeon** just west of the bridge at Niobrara, no other information available

May 26, 2002 Gary Karmann, 1550 E. Dodge St., Fremont, NE 68025, 721.9653 reported catching and releasing **Two Pallid Sturgeons** in a 15 minute period from the Elkhorn River 1 ½ miles North of the Highway 36 bridge over the Elkhorn. This translates to approximately 260th and Dutch Hall Road, Douglas County. One fish was 24 inches in length and the other 20 inches in length, both were caught on worms. I ask what made him sure if they were Pallid's and he said

that they checked the book and that they had caught other Pallid's from this same hole in the past. Pin and book sent. This is a #3 catch.

June 5, 2002 Ryan Cambellicks, 906 E 13th St, Apt 26, Yankton SD, 57078, 605.660.0043 reported catching and releasing a **Pallid Sturgeon** in the Missouri River at Riverside Park in Yankton off of the boat dock. It was 2 foot in length and was caught on a nightcrawler. A #2 catch, pin and book sent.

June 8, 2002 Mark Hodson, 1070 Nebraska St., Blair NE 68008, 402.426.9278, reported catching and releasing a **Tagged Pallid Sturgeon** just above the Blue Moon at Niobrara. The fish was caught on a night crawler and was 20-24 inches in length. A #2 catch, pin and book sent.

June 12, 2002, Mark Hodson, see above, reported other members of his family catching and releasing the following **Tagged Pallid Sturgeon's** in the same location as above. All were caught on nightcrawlers. Lengths were 18, 19, 20, 21, and 22 inches. They were caught by LeRoy Stevens, Adam Hodson and Jeremy Hodson. A #2 catch, pins and books sent.

June 20-23. Rick Sundell, 14048 Co Rd 28, Blair, NE, 68008, 402.426.5917, reported catching and releasing 9 **Pallid Sturgeon's**, 8 of which were tagged. They were taken on night crawlers, at Lazy Acres, Verdel Ne, on land owned by Sam McGill. This area is adjacent to Blue Moon, which is talked about above. All fish were between 24 and 30 inches in length and were released at the site. A #2 catch, book and pin sent.

June 26, 2002, Richard Glaseman, 6103 Oak St., Omaha, NE 68106, 402.229.3269, reported catching and releasing a 20 inch **Tagged Pallid Sturgeon** 5 miles west of the Verdel, Ne landing on the South Dakota side. It was caught on a night crawler. A #2 catch, pin and book sent. He is going to drop off a photo.

July 4, 2002, Robert Schmidt Sr., 1203 1st Ave #69, South Sioux NE 68776, reported catching and releasing a **Tagged Pallid Sturgeon** at Lazy River Acres, near Verdel NE. The fish was caught on a night crawler and was about 20 inches in length. A # 2 catch, pin and book sent.

July 5, 2002, Bill Lawyer, 211 Fleetwood Dr., Papillion, NE 68133, 932.9651, reported catching and releasing a **Tagged Pallid Sturgeon** at Lazy River Acres, near Verdel NE. The fish was caught on a spinner with night crawler and was about 20 inches in length. A #2 catch, pin and book sent.

July 7, 2002, Matt McManigal, P O Box 102, Center, NE 68724, 402.288.4403, reported catching and releasing a **Tagged Pallid Sturgeon** at Lazy River Acres, near Verdel, NE. The fish was caught on a night crawler and weighed 2 ½ pounds. A #2 catch, pin and book sent.

July 15, 2002, John Gremer, 525 Vine, Park Ridge, Il 60068, 847.698.1194, reported catching and releasing a **Tagged Pallid Sturgeon**, 19 ½ inches in length, at Verdel NE. It was caught on a night crawler. A #2 catch, pin and book sent.

July 26, 2002, Tyler Robertson, 9463 S Chesapeake Court, Hylands Ranch, CO 80126, 303.791.8505 reported catching and releasing a **Pallid Sturgeon** approximately 8 miles upstream from the Verdel boat landing. The fish was 30 inches in length and was taken on a night crawler. A photo is be coming. A #2 catch, pin and book sent.

July 27, 2002, Leon Backstrom's granddaughter (name unknown), 87635 Shy 13, Creighton, NE 68729, 402.358.3885 caught and released **Two Tagged Pallid Sturgeon**, three fourths mile west of the Lazy River boat dock at Verdel landing. One was 27 inches and the other was 30 inches, both were caught on night crawlers. A #2 catch, pin and book sent.

September 15, 2002, Doug Hoffman, 210 Walnut, Norfolk, NE 68701, 402.371.0206, cell 402.841.5957 caught and released a **Tagged Pallid Sturgeon**, 31 inches in length from the Neligh Hole one mile upstream from the mouth of the Niobrara River, near the south bank. A #2 catch, pin and book sent.

September 16, 2002 Gerald Mestl's Missouri River Crew reported the eleven following **Pallid Sturgeon** catches taken between May 17, 2000 and August 26, 2002;

- 5.17.2000, Goose Island, River Mile 579, trawl, 49.53 inches TL
- 8.8.2001, Niobrara Mouth, River Mile 837.8, trawl, 27.48 inches TL, pit tag # 411B496358
- 4.3.2002, Nishnabotna Bend, River Mile 587.5, gill net, 30.51 inches TL
- 5.19.2002, Schilling WMA, River Mile 594, Rod and Reel, 39.37 inches TL
- 5.29.2002, Schilling WMA, River Mile 594.5, trawl, 9.88 inches TL, pit tag # 4323236566
- 6.11.2002, Schilling WMA, River Mile 593.2, trawl, 10.31 inches TL, pit tag # 4310326D1E
- 6.11.2002, Schilling WMA, River Mile 593.5, trawl, 9.80 inches TL, pit tag # 43140E2147
- 6.24.2002, Gavins Point Tail Waters, RM 812.8, gill net, 28.34 inches TL
- 6.24.2002, Gavins Point TW, RM 812.8, gill net, 27.48 inches TL
- 7.1.2002, Schilling WMA, RM 594.5, trammel net, 31.69 inches TL, pit tag # 115676273A
- 8.26.2002, Schilling WMA, RM 594.5, trawl, 40.94 inches TL, pit tag # 115527277A

November 3, 2002, **A first in the recoding of sturgeon data**, a black lab belonging to Mark Drobish, COE, Yankton SD, retrieved a dead **Pallid Sturgeon** from the shoreline in the Lewis and Clark Campground on the north shore just west of the dam at Gavins Point. Mark took the fish to the hatchery, where he used to be employed, where he and Herb Bollig read the Pit tag number, the fish still had the dangler tag attached. The pit tag number was 411A7C6571, the parental cross was 1F4A301354 female x 7F7D291A07 Male, year class 1977, dangler tag read Nebraska Game and Parks Commission, and was tagged 5.31.00 and was 468mm in length and weighed 395 grams at tagging and was stocked in the Missouri River at Verdel Nebraska. Estimated length when found, 510mm, no weight was taken because of the condition of the fish. This is a #1 catch. I assumed that the dog probably could not read and probably did not have a hat, so therefore I sent no pin and book.

Pallid Sturgeon Account
Balance Sheet
As of January 29, 2003

	<u>Jan 29, 03</u>
ASSETS	
Current Assets	
Checking/Savings	
100-000 Union Checking & NPAIT	53,805.40
Total Checking/Savings	<u>53,805.40</u>
Total Current Assets	<u>53,805.40</u>
TOTAL ASSETS	<u>53,805.40</u>
LIABILITIES & EQUITY	
Equity	
3900 - Retained Earnings	62,448.67
Net Income	<u>-8,643.27</u>
Total Equity	<u>53,805.40</u>
TOTAL LIABILITIES & EQUITY	<u>53,805.40</u>

Pallid Sturgeon Account
Profit & Loss Budget vs. Actual
 July 1, 2002 through January 29, 2003

	Jul 1, '02 - Jan 29,...	Budget	% of Budget
Income			
110-000 Carryover NRD & Others	0.00	0.00	0.0%
120-000 NRD			
120-001 Central Platte	5,000.00		
120-002 Lower Elkhorn	5,000.00		
120-003 Lower Loup	5,000.00		
120-005 Lower Platte South	5,000.00		
120-006 Papio-Missouri	5,000.00		
120-007 Upper Elkhorn	2,000.00		
120-000 NRD - Other	0.00	0.00	0.0%
Total 120-000 NRD	27,000.00	0.00	100.0%
130-000 Other Partners			
130-001 CNPP&ID	4,000.00		
130-002 LPPD	4,000.00		
130-003 NLPP&ID	2,000.00		
130-004 NPPD	4,000.00		
130-005 TLRD	2,000.00		
130-000 Other Partners - Other	0.00	0.00	0.0%
Total 130-000 Other Partners	16,000.00	0.00	100.0%
140-000 NETF Grant	60,000.00	0.00	100.0%
150-000 Interest	441.09	0.00	100.0%
Total Income	103,441.09	0.00	100.0%
Expense			
170-000 Peer Review	0.00	0.00	0.0%
180-000 Salarie,Labor & Benefit			
180-001 · Research Tech	40,416.12		
180-002 · Hourly Labor	8,660.59		
180-003 · Graduate Students	23,094.94		
180-000 Salarie,Labor & Benefit - Other	0.00	0.00	0.0%
Total 180-000 Salarie,Labor & Benefit	72,171.65	0.00	100.0%
185-000 Operations			
185-001 · Consumable Supplies	24,574.46		
185-002 · Operating Expenses	7,638.83		
185-004 · Travel, Domestic	7,699.42		
185-000 Operations - Other	0.00	0.00	0.0%
Total 185-000 Operations	39,912.71	0.00	100.0%
Total Expense	112,084.36	0.00	100.0%
Net Income	-8,643.27	0.00	100.0%

Pallid Sturgeon Account
Financial Report
July 1, 2002 through January 29, 2003

	Jul 02	Aug 02	Sep 02	Oct 02	Nov 02	Dec 02	Jan 1 - 29,...	TOTAL
Income								
120-000 NRD	0.00	0.00	0.00	0.00	10,000.00	17,000.00	0.00	27,000.00
130-000 Other Partners	0.00	0.00	0.00	0.00	4,000.00	12,000.00	0.00	16,000.00
140-000 NETF Grant	0.00	0.00	0.00	0.00	60,000.00	0.00	0.00	60,000.00
150-000 Interest	71.22	52.26	49.56	54.09	71.87	142.09	0.00	441.09
Total Income	71.22	52.26	49.56	54.09	74,071.87	29,142.09	0.00	103,441.09
Expense								
180-000 Salarie,Labor & Benefit	15,227.01	0.00	0.00	0.00	0.00	56,944.64	0.00	72,171.65
185-000 Operations	6,714.00	0.00	0.00	0.00	0.00	33,198.71	0.00	39,912.71
Total Expense	21,941.01	0.00	0.00	0.00	0.00	90,143.35	0.00	112,084.36
Net Income	-21,869.79	52.26	49.56	54.09	74,071.87	-61,001.26	0.00	-8,643.27

DEPARTMENT OF NATURAL RESOURCES

SUMMARY OF APPLICATIONS FILED
NO NEW DEPLETIONS
AS OF DECEMBER 31, 2002

DIV	SOURCE NAME	LAST NAME, FIRST NAME	USE	CFS	AF	REQ ACRES	SEC	TWN	RNG	NRD	MO	DA	YEAR	APP NUMBER	A.F.	PENDING
2-A	SPRING CREEK	WAGNER, HAROLD & JOE	01	0.26		36.80	18	16	9W	LL	01	22	1999	A-17721	7.67	
2-A	BEAVER CREEK	CROWELL, BRADLEY B.	01	0.69		96.50	14	17	4W	LL	01	29	1999	A-17723	20.10	
2-B	LOGAN CREEK	MOSEMAN, ROBERT F. & JANE K.	01	0.64		90.00	11	21	8E	LE	01	29	1999	A-17725B	18.75	
2-A	LOUP RIVER, MIDDLE	BALTZ, DALE	01	0.51		76.60	16	14	14W	LL	02	01	1999	A-17726	15.96	
2-A	LOUP RIVER	ENGEL, MICHAEL R	01	0.34		103.00	6	16	4W	LL	02	02	1999	A-17727	21.46	
2-A	CEDAR RIVER	HELD, FRANK W.	01	0.59		82.50	12	16	6W	LL	02	03	1999	A-17728	17.19	
2-A	NORTH LOUP RIVER	DARRELL INGRAM ESTATE	01	0.45		63.00	2	16	12W	LL	02	03	1999	A-17729	13.13	
2-A	MUD (BEAVER) CREEK	LEWIS, CORTEZ	01	0.75		92.00	29	14	16W	LL	02	05	1999	A-17730	19.17	
2-A	MIRA CREEK	SCHUDEL, MERLYN	01	0.71		108.00	31	18	12W	LL	02	11	1999	A-17734	22.50	
2-A	CEDAR RIVER	CROUSE, STEVE	01	0.46		64.40	24	17	7W	LL	02	11	1999	A-17735A	13.42	
2-A	TIMBER CREEK	CROUSE, STEVEN & SANDRA	01	0.30		42.00	31	17	6W	LL	02	11	1999	A-17736	8.75	
2-B	ELKHORN RIVER	RINKEL, ORIN	01	0.39		54.60	29	24	2W	LE	02	18	1999	A-17739B	11.38	
2-A	MUD CREEK	SPTKE BOX RANCH	02		1438.00	--	10	28	35W	UL	03	04	1999	A-17744	1,438.00	
2-B	LOGAN CREEK	SCHOLE, BERNHARD L. & NORMA	01	0.16		22.60	32	20	8E	LE	03	08	1999	A-17745	4.71	
2-B	LOGAN CREEK	HOEGEMEYER TRUST	01	0.30		42.00	33	20	8E	LE	03	08	1999	A-17746	8.75	
2-A	LOUP RIVER	SPRUNK, DANIEL L.	01	1.58		221.30	6	16	4W	LL	03	11	1999	A-17748A	46.10	
2-A	TURKEY CREEK	BOYSEN, ARTHUR E.	01	0.24		33.50	20	14	11W	LL	03	12	1999	A-17749B		6.98
2-A	LOUP RIVER	CROWELL, KEVIN J. AND CARY J.	01	0.08		40.00	6	16	4W	LL	03	15	1999	A-17750B	8.33	
2-A	LOUP RIVER	CROWELL, KEVIN J. AND CARY J.	01	0.16		69.30	6	16	4W	LL	03	15	1999	A-17750C	14.44	
2-A	BEAVER CREEK	SPIEKER, FRED C.	01	0.65		91.90	10	21	7W	LL	03	22	1999	A-17754	19.15	
2-B	PEBBLE CREEK	DIEDRICHSSEN, ELWIN	01	0.86		120.06	5	19	7E	LE	03	22	1999	A-17755A	25.01	
2-B	LOGAN CREEK	SCHOLE, IRIS L.	01	0.22		30.50	32	20	8E	LE	03	22	1999	A-17756B	6.35	
2-A	SPRING CREEK	BERST, RANDY	01	0.53		77.70	32	16	9W	LL	03	26	1999	A-17758	16.19	
2-A	LOUP RIVER	CITY OF COLUMBUS	01	0.38		53.30	6	16	4W	LL	04	23	1999	A-17764	11.10	
2-B	ELKHORN RIVER	MOZER, LORINE	01	0.39		55.00	13	24	4W	LE	06	02	1999	A-17770	11.46	
2-A	BEAVER CREEK	GRAY, SR., ROBERT L.	01	1.20		144.70	7	20	6W	LL	06	15	1999	A-17772	30.15	
2-A	CEDAR RIVER	REX DELANEY TRUST	01	0.33		47.00	23	19	8W	LL	06	16	1999	A-17773	9.79	

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2-A	CEDAR RIVER	HAVLIK, LYDIA	01	0.94			132.00	25	19	8W	LL	06	16	1999	A-17774	27.50	
2-A	LOUP RIVER	DELANEY FARMS, INC.	01	1.80			250.95	5	16	5W	LL	06	16	1999	A-17775	52.28	
2-A	LOUP RIVER	SWANTEK, PHIL	01	0.84			74.90	6	16	4W	LL	07	02	1999	A-17778A	15.60	
2-A	LOUP RIVER	SWANTEK, PHIL	01	0.40			56.10	6	16	4W	LL	07	02	1999	A-17778B	11.69	
2-A	LOUP RIVER	SWANTEK, PHIL	01	1.12			157.60	6	16	4W	LL	07	02	1999	A-17778C	32.83	
2-A	LOUP RIVER	SWANTEK, PHIL	01	0.41			56.50	6	16	4W	LL	07	02	1999	A-17778D	11.77	
2-A	LOUP RIVER	SWANTEK, MONTE	01	0.59			82.60	6	16	4W	LL	07	20	1999	A-17780A	17.21	
2-A	BEAVER CREEK	NIEWOHRER, JERRY	01	1.48			208.00	14	21	7W	LL	11	23	1999	A-17799A	43.33	
2-A	CEDAR RIVER	DOBSON, DAN	01	0.11			15.00	25	19	8W	LL	01	28	2000	A-17805	3.13	
2-B	LOGAN CREEK	BOWMAN FARMS, INC.	01	0.14			20.00	3	20	8E	LE	02	18	2000	A-17814	1	4.17
2-B	DIAMOND HEAD RANCH RESERVOIR NO. 1	DIAMOND HEAD RANCH GOLF CLUB LLC	06	-			98.00	19	10	5E	LPS	03	16	2000	A-17826		
2-B	DIAMOND HEAD RANCH RESERVOIR NO. 2	DIAMOND HEAD RANCH GOLF CLUB LLC	06	-				19	10	5E	LPS	03	16	2000	A-17827	20.42	
2-A	BEAVER CREEK	ATWOOD, GENE M. & DOROTHY J.	01	0.55			76.66	17	20	6W	LL	03	20	2000	A-17829A	15.97	
2-B	LOGAN CREEK	MACKEY, LELAND J.	01	0.52			72.60	23	24	7E	LE	05	31	2000	A-17860	15.13	
2-B	CEDAR CREEK	HEITHOFF, MEL	01	0.23			33.00	10	23	6W	UE	06	02	2000	A-17863	1	6.88
2-B	WAHOO CREEK	KEISER, WESLEY E.	01	0.69			97.00	20	13	9E	LPN	06	06	2000	A-17864	20.21	
2-B	LOGAN CREEK	MACKLIN, DAVID J.	01	0.72			100.00	15	24	7E	LE	06	08	2000	A-17865	20.83	
2-A	BEAVER CREEK	BRENGELMAN, JOHN & JUDY	01	1.96			137.00	7	20	6W	LL	06	09	2000	A-17866	28.54	
2-A	LOUP RIVER, TRIB. TO	PELICAN, JOHN	01	1.33			93.00	9	15	7W	LL	06	12	2000	A-17867	19.38	
2-A	LOUP RIVER	JAIXEN, CARROL & BEVERLY	01	0.37			101.00	6	16	4W	LL	06	13	2000	A-17868	21.04	
2-A	SHELL CREEK	BAILEY, DENNIS	01	0.29			20.00	12	17	3W	LL	06	14	2000	A-17870	4.17	
2-A	LOOKING GLASS CREEK	PIERSON, GLADYS H.	01	0.26			36.00	8	17	3W	LL	06	20	2000	A-17872	7.50	
2-B	LOGAN CREEK	SORENSEN, STEVEN L.	01	0.26			37.00	26	24	7E	LE	06	23	2000	A-17876	7.71	
2-A	LOUP RIVER	DROZD ET AL	01	0.76			105.90	5	16	5W	LL	06	26	2000	A-17879	1	22.06
2-A	LOUP RIVER	REINS, JON R.	01	0.32			135.50	6	16	4W	LL	06	30	2000	A-17883	28.23	
2-A	LOOKING GLASS CREEK	ELM, C. DAVID	01	0.47			66.00	8	17	3W	LL	07	14	2000	A-17887	7.50	

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2-A	LOUP RIVER	LOSEKE TRUST, MILA V.	01	0.88		124.20	6	16	4W	LL	07	17	2000	A-17889	25.88	
2-A	TIMBER CREEK	TOPINKA, RICHARD L.	01	0.37		38.00	31	17	6W	LL	07	24	2000	A-17897	7.92	
2-A	CEDAR RIVER	TOPINKA, RICHARD L.	01	1.62		227.00	31	17	6W	LL	07	24	2000	A-17898	47.29	
2-A	CEDAR RIVER	KERN, JOHN R. & GENEVIEVE M.	01	0.58		81.00	32	19	7W	LL	07	24	2000	A-17899	16.88	
2-A	MUD (BEAVER) CREEK	KOHL, DEAN	01	0.03		6.40	1	13	16W	LL	08	14	2000	A-17906A	1.33	
2-A	MUD (BEAVER) CREEK	KOHL, DEAN	01	0.09		15.10	1	13	16W	LL	08	14	2000	A-17906B	3.15	
2-A	BEAVER CREEK, TRIB. TO	LAURENCE BRYAN, ET AL., MARICLE, KEITH	01	0.24		64.00	28	19	5W	LL	08	24	2000	A-17909	13.33	
2-A	BEAVER CREEK	JOHNSON, EDWARD A.	01	0.84		136.40	10	17	4W	LL	09	26	2000	A-17914A	¹	28.42
2-A	MUD (BEAVER) CREEK	SIEGEL, ARNOLD	01	0.71		118.10	34	14	16W	LL	09	29	2000	A-17916	24.60	
2-A	LOUP RIVER, NORTH	SAMUELSON, TERRY O. & SUSAN L.	01	1.14		144.50	14	15	10W	LL	11	14	2000	A-17934	30.10	
2-B	POFAHL OXBOW LAKE	POFAHL, JAMES	06			20.60	2	23	1W	LE	12	27	2000	A-17942	¹	
2-A	MIDDLE LOUP RIVER	RTZ, JAMES	01	0.90		151.20	35	18	17W	LL	02	27	2001	A-17960	31.50	
2-A	BEAVER CREEK	SCHOLL, LAVERN L.	01	0.21		29.00	3	21	7W	LL	04	19	2001	A-17974	6.04	
2-A	LOUP RIVER	VOICHOSKIE, ROBERT	01	0.43		70.00	10	16	5W	LL	09	04	01	A-18014A	14.58	
2-B	PLEASANT RUN CREEK	COMMERCIAL CONTRACTORS EQUIPMENT	03		9.21		35	24	1E	LE	11	13	2001	A-18023	²	
2-A	LOOKING GLASS CREEK	RAMEKER, MARK	01	0.96		134.95	17	17	3W	LL	02	11	2002	A-18040	28.11	
2-B	MAHONEY PARK GOLF COURSE LOWER POND	CITY OF LINCOLN	06		10.00	110.70	10	10	7E	LFS	02	25	2002	A-18045	¹	46.13
2-A	GRACIE CREEK	BUREAU OF RECLAMATION	02		58.00		31	23	17W	LL	06	25	2002	A-18087	¹ ?	
2-B	OAK CREEK	CAPITAL BEACH COMMUNITY ASSOCIATION	08		315.00		22	10	6E	LFS	11	12	2002	A-18116	¹	0.00
TOTALS				38.73	1,830.21										2,521.69	114.64

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1-A	PLATTE RIVER	CENTRAL CITY	30	3.30		--		21	13	6W	CP	10	23	1997	A-17626		1 ?
2-A	CEDAR RIVER	NELSON IV, JOHN E.	01	0.76		53.00		19	17	6W	LL	01	20	1999	A-17720	22.08	
2-A	SPRING CREEK	WAGNER, HAROLD & JOE	01	0.14		10.46		18	16	9W	LL	10	22	1999	A-17721	4.36	
2-B	BELL CREEK	HILGENKAMP, GARY	01	0.57		40.00		12	18	9E	PMR	01	28	1999	A-17722	16.67	
2-A	BEAVER CREEK	CROWWELL, BRADLEY B.	01	1.04		72.50		14	17	4W	LL	01	29	1999	A-17723	30.21	
2-B	LOGAN CREEK	MOSEMAN, ROBERT F. & JANE K.	01	2.93		205.00		11	21	8E	LE	01	29	1999	A-17725A	85.42	
2-A	LOOP RIVER, MIDDLE	BALTZ, DALE	01	0.27		41.40		16	14	14W	LL	02	01	1999	A-17726	17.25	
2-A	LOOP RIVER, NORTH	DARRELL INGRAM ESTATE ET AL.	01	0.08		6.00		2	16	12W	LL	02	03	1999	A-17729	2.50	
2-B	OAK-MIDDLE RESERVOIR 66-A	LOWER PLATTE SOUTH NRD	05		21.00	75.00		29	13	4E	LBS	02	10	1999	A-17731	13.28	
2-B	ELKHORN RIVER, NORTH FORK, TRIB. TO	DOUBLE DUTCH DAIRY	32		187.80	--		33	27	2W	LE	02	10	1999	A-17732		2
2-A	BEAVER CREEK	UMBARGER, STAN	01	0.28		19.60		15	17	4W	LL	02	11	1999	A-17733	8.17	
2-A	CEDAR RIVER	CROUSE, STEVEN & SANDRA	01	0.12		8.44		24	17	7W	LL	02	11	1999	A-17735B	3.52	
2-B	ELKHORN RIVER	RINKEL, ORIN	01	0.16		11.00		29	24	2W	LE	02	18	1999	A-17739A	4.58	
2-B	LOGAN CREEK	HEYNE, RICHARD A. & MARY	01	0.39		27.50		5	25	6E	UE	02	18	1999	A-17740	11.46	
2-A	NORTH BRANCH, SHELL CREEK	CEDERLIND, PAUL	01	0.67		47.00		1	21	5W	LEN	03	03	1999	A-17742	19.58	
2-B	ELKHORN RIVER	MERIDETH J. VOLK INC.	01	0.73		50.90		24	24	3W	LE	03	11	1999	A-17747	21.21	
2-A	LOUP RIVER	SPRUNK, DANIEL	01	0.09		10.65		6	16	4W	LL	03	11	1999	A-17748B	4.44	
2-A	TURKEY CREEK	BOYSEN, ARTHUR E.	01	0.22		15.50		20	14	11W	LL	03	12	1999	A-17749A		1
2-A	LOUP RIVER	CROWWELL, KEVIN J. AND CARY J.	01	0.87		60.70		6	16	4W	LL	03	15	1999	A-17750A	25.29	
2-B	OAK CREEK	GRANT, NATHANIEL L.	01	1.06		74.00		6	11	6E	LFS	03	17	1999	A-17751	30.83	
2-A	PLATTE RIVER	NOVACEK, ADOLPH AND JOAN	01	1.81		126.80		5	16	3E	LPN	03	19	1999	A-17753	52.83	
2-B	PEBBLE CREEK	DIEDRICHSSEN, ELWIN	01	0.12		8.01		5	19	7E	LE	03	22	1999	A-17755B	3.34	
2-B	LOGAN CREEK	SCHOLE, IRIS L.	01	0.62		43.30		32	20	8E	LE	03	22	1999	A-17756A	18.04	

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2-A	TURKEY CREEK	DUFFIN, LUCILLE H.	01	0.21		15.00		30	14	10W	LL	04 06 1999	A-17760	6.25	
2-A	TURKEY CREEK	DUFFIN, LUCILLE H.	01	0.53		37.00		25	14	11W	LL	04 06 1999	A-17761	15.42	
2-A	BEAVER CREEK	FOUNDATION SEED DIVISION	01	0.57		40.00		29	18	4W	LL	04 21 1999	A-17762	16.67	
2-A	LOUP RIVER, TRIB. TO	DINSDALE, CHRIS	02		55.00	--	9.60	2	15	8W	LL	06 28 1999	A-17777	8.02	
2-A	LOUP RIVER	SWANTEK, PHIL	01	0.46		32.20		6	16	4W	LL	07 02 1999	A-17778E	13.42	
2-B	INDIAN CREEK	VOLKMAN, AARON	02		25.81	--	6.00	5	23	2E	LE	07 15 1999	A-17779	5.01	
2-A	LOUP RIVER	SWANTEK, MONTE	01	2.13		149.10		6	16	4W	LL	07 20 1999	A-17780B	62.13	
2-B	OAK CREEK, TRIB. TO	BENES, EUGENE	02		16.88	--	3.70	7	12	5E	LFS	07 22 1999	A-17781	3.09	
2-A	SKULL CREEK, TRIB.	LOWER PLATTE NORTH NRD	02		218.10	--	37.70	3	15	4E	LE	08 02 1999	A-17784	31.48	
2-B	JOHNSON CREEK	TODD VALLEY FARMS	02		25.44	--	2.90	25	15	8E	LE	08 05 1999	A-17786	2.43	
2-B	HOLMES LAKE	CITY OF LINCOLN	05		240.00	80.00		4	9	7E	LFS	09 10 1999	A-17790	33.33	
2-A	BEAVER CREEK	NIEMOHRER, JERRY	01	1.00		70.20		14	21	7W	LL	11 23 1999	A-17799B	29.25	
2-B	DOG CREEK	NELSON, DOUG	01	2.13		149.00		22	27	3E	LE	01 31 2000	A-17808	62.08	
2-A	CEDAR CREEK, TRIB. TO	FILLEN, JAMES	32		217.10	--		32	17	10W	LL	02 09 2000	A-17809		2
2-A	CEDAR CREEK, TRIB. TO	FILLEN, JAMES	32		139.00	--		32	17	10W	LL	02 09 2000	A-17810		2
2-A	CEDAR CREEK, TRIB. TO	FILLEN, JAMES	32		202.00	--		32	17	10W	LL	02 09 2000	A-17811		2
2-B	ELKHORN RIVER, N.F. W.B., TRIB. TO	OBER, MILTON	01	2.13		149.30		27	29	3W	LE	02 16 2000	A-17813	62.21	
2-A	CEDAR RIVER	DRESCH, JAMES	01	0.85		59.50		16	19	8W	LL	02 25 2000	A-17815	24.79	
2-B	ELKHORN RIVER, TRIB. TO	FELLER, TOM	32		49.00	--	5.40	14	23	4E	LE	02 25 2000	A-17816	4.51	
2-A	LOUP RIVER, NORTH, TRIB. TO	BONSALL, DENNIS	32		11.10	--		30	22	15W	LL	03 01 2000	A-17817		2
2-B	MAPLE CREEK, EAST FORK, TRIB. TO	DRAHOTA, JIM	02		6.50	--	13.30	28	20	4E	LE	03 09 2000	A-17819	11.11	
2-B	WILLOW CREEK, TRIB. TO	ZUHLKE, ALDEN	32		71.00	--		19	27	5W	UE	03 09 2000	A-17820		2

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2-B	MIDDLE CREEK, SOUTH BRANCH, TRIB. TO	DIAMOND HEAD RANCH GOLF CLUB LLC	02		105.20	--	2.20	19	10	5E	LPS	03	16	2000	A-17823	1.84	
2-B	MIDDLE CREEK, SOUTH BRANCH, TRIB. TO	DIAMOND HEAD RANCH GOLF CLUB LLC	02		105.20	--	2.30	19	10	5E	LPS	03	16	2000	A-17824	1.92	
2-B	MIDDLE CREEK, SOUTH BRANCH, TRIB. TO	DIAMOND HEAD RANCH GOLF CLUB LLC	01	1.40		98.00		19	10	5E	LPS	03	16	2000	A-17825	40.83	
2-A	PLATTE RIVER	SAUNDERS COUNTY	03	0.22		--		13	17	5E	LPN	03	17	2000	A-17828		2
2-A	BEAVER CREEK	ATWOOD, GENE M. & DOROTHY J.	01	1.04		72.50		17	20	6W	LL	03	20	2000	A-17829B	30.21	
2-B	HOBSON BRANCH	JICKA, PAT V.	02		2.50	--	0.51	32	13	7E	LPS	03	23	2000	A-17830	0.43	
2-A	LOUP RIVER, NORTH, TRIB. TO	BONSALL, DENNIS	32		5.20	--		30	22	15W	LL	03	30	2000	A-17833		2
2-A	LOUP RIVER, NORTH, TRIB. TO	BONSALL, DENNIS	32		17.70	--		30	22	15W	LL	03	30	2000	A-17834		2
2-A	LOUP RIVER, NORTH, TRIB. TO	BONSALL, DENNIS	32		19.00	--		30	22	15W	LL	03	30	2000	A-17835		2
2-A	MUNSON CREEK	WROBLEWSKI, IRVIN	01	1.31		92.00		3	15	12W	LL	03	31	2000	A-17836	38.33	
2-A	PLATTE RIVER	SAUNDERS COUNTY	03	0.22		--		19	17	7E	LPN	04	03	2000	A-17838		2
2-A	PLATTE RIVER	SAUNDERS COUNTY	03	0.22		--		30	13	10E	LPN	04	03	2000	A-17839		2
2-B	MAPLE CREEK, EAST BRANCH, TRIB TO	DRAHOTA, JIM	32		81.00	--	76.90	28	20	4E	LE	04	07	2000	A-17843	64.21	
2-B	ELKHORN RIVER, TRIB. TO	FOFAHL, JAMES	01	0.29		20.60		2	23	1W	LE	04	18	2000	A-17845	8.58	
2-B	LOGAN CREEK, TRIB. TO	ANDERSON, HARVEY	01	1.70		117.00		21	27	5E	LE	04	21	2000	A-17847		1
2-B	YANKTON SLOUGH, TRIB. TO	HANZLER, GERALD & BETTY	04	0.05		--		16	26	1W	LE	04	24	2000	A-17848	3.70	
2-B	CEDAR CREEK, TRIB. TO	LOWER SOUTH PLATTE NRD	33		31.70	--	8.84	8	11	12E	LPS	05	08	2000	A-17851	7.38	
2-A	CEDAR CREEK, TRIB. TO	FILLEN, JAMES	32		139.00	--	6.30	32	17	10W	LL	05	15	2000	A-17853	5.26	
2-A	CEDAR CREEK, TRIB. TO	FILLEN, JAMES	32		217.00	--	9.00	32	17	10W	LL	05	15	2000	A-17854	7.52	
2-A	CEDAR CREEK, TRIB. TO	FILLEN, JAMES	32		202.00	--	8.60	32	17	10W	LL	05	15	2000	A-17855	7.18	
2-B	LOGAN CREEK	POPKEN, GLEN	01	0.26		18.00		4	19	8E	LE	05	26	2000	A-17859	7.50	

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2-B	CEDAR CREEK	HEITHOFF, MEL	01	0.60	42.00	42.00		10	23	6W	UE	06 02 2000	A-17863	1	17.50
2-B	WAGOO CREEK	KEISER, WESLEY E.	01	0.23	16.00	16.00		20	13	9E	LPN	06 06 2000	A-17864	6.67	
2-A	LOUP RIVER	JAIXEN, CARROLL & BEVERLY	01	0.70	49.00	49.00		6	16	4W	LL	06 13 2000	A-17868	20.42	
2-B	MIDDLE OAK CREEK, TRIB. TO	SEWARD COUNTY	02		22.70	--	4.40	29	12	4E	LPS	06 13 2000	A-17869	3.67	
2-A	SHELL CREEK	FLOOD, ROBERT	01	1.27	89.00	89.00		19	21	4W	LEN	06 21 2000	A-17873	37.08	
2-B	PLATTE RIVER, TRIB. TO	PAPIO MISSOURI RIVER NATURAL RESOURCES DISTRICT	02		18.19	--	2.10	22	13	13E	PMR	06 23 2000	A-17877	1.75	
2-A	LOUP RIVER	DROZD ET AL	01	0.05	3.70	3.70		5	16	5W	LL	06 26 2000	A-17879	1.54	
2-B	ELKHORN RIVER, TRIB. TO	HRUBY, JOHN L. & PATRICIA A.	04	0.03	--	--		1	24	6W	UE	07 05 2000	A-17884	2	
2-B	ELKHORN RIVER, TRIB. TO	HRUBY, JOHN L. & PATRICIA A.	04	0.03	--	--		1	24	6W	UE	07 06 2000	A-17885	2	
2-A	MIRA CREEK	BURSON, REN	01	0.26	18.00	18.00		27	18	13W	LL	07 18 2000	A-17890	7.50	
2-A	SPRING CREEK	BARR, VONNIE M.	01	0.76	53.00	53.00		7	16	9W	LL	07 19 2000	A-17894	22.08	
2-A	MUD (BEAVER) CREEK	LOVITT, LYLE	01	0.46	32.00	32.00		15	15	18W	LL	08 03 2000	A-17900	13.33	
1-A	WOOD RIVER	CENTRAL PLATTE NRD	33	4200.00	--	--		32	11	9W	CP	08 07 2000	A-17901	1?	
1-A	WARM SLOUGH, UPPER	CENTRAL PLATTE NRD	33	760.00	--	--		3	10	10W	CP	08 07 2000	A-17902	1?	
1-A	WARM SLOUGH, LOWER	CENTRAL PLATTE NRD	33	1480.00	--	--		24	13	7W	CP	08 07 2000	A-17903	1?	
2-A	LOUP RIVER	NEBRASKA PUBLIC POWER DISTRICT	03	0.22	--	--		6	16	4W	LL	08 21 2000	A-17908	2	
2-B	ELKHORN RIVER, TRIB. TO	WIMMER, PAUL AND DAVID	02		9.84	--	10.40	13/24	20	6E	LE	09 18 2000	A-17910	8.68	
2-A	BEAVER CREEK	JOHNSON, EDWARD A.	01	0.13	9.00	9.00		10	17	4W	LL	09 26 2000	A-17914B	1	3.75
2-B	PLUM CREEK, TRIB. TO	HERMAN DINKLAGE, INC.	02		25.00	--	0.98	34	25	4E	LE	11 06 2000	A-17928	0.82	
2-B	EMBANKMENT NO. 1	HERMAN DINKLAGE, INC.	32		19.00	--		34	25	4E	LE	11 06 2000	A-17929	2	
2-B	EMBANKMENT NO. 1	HERMAN DINKLAGE, INC.	05		25.00	150.00		34	25	4E	LE	11 06 2000	A-17930	12.50	
2-A	TIMBER CREEK, NORTH	FITZSIMMONS, PATRICK & NATALIE	32		77.80	--		21	18	8W	LL	11 09 2000	A-17931	2	

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2-B	SPRING CREEK, TRIB. TO	URBACH, MARK & SUSAN	02		20.90	--	--		5.46	35	9	5E	LPS	11	09	2000	A-17932	4.56	
2-B	SPRING CREEK, TRIB. TO	URBACH, MARK & SUSAN	02		36.30	--	--		4.60	35	9	5E	LPS	11	09	2000	A-17933	3.84	
2-B	ELKHORN RIVER, TRIB. TO	POFAHL, JAMES	02		39.30	--	--		25.00	2	23	1W	LE	12	27	2000	A-17941		20.88
2-A	BEAVER CREEK	PILKINGTON, RALPH	01	1.37		96.00				22	20	6W	LL	01	11	2001	A-17943	40.00	
2-B	WILLOW CREEK	KELLER, LEO	04	0.02		--	--			27	26	2W	LE	01	22	2001	A-17946	0.42	
2-B	STEVENS CREEK	CITY OF LINCOLN	02		73.40	--	--		87.50	2	10	7E	LPS	01	25	2001	A-17947	73.06	
2-A	SOUTH LOUP RIVER	KEMPTAR TRUST	01	0.50		35.00				1	12	13W	LL	01	31	2001	A-17948	14.58	
2-A	MIRA CREEK	WHITE, LARRY	01	0.29		20.00				25	18	13W	LL	02	16	2001	A-17953	8.33	
2-B	ROCK CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02		67.00	--	--		15.60	2	12	6E	LPS	03	05	2001	A-17962	13.03	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02		49.30	--	--		11.30	34	10	8E	LPS	03	28	2001	A-17966	9.44	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02		14.40	--	--		3.50	33	10	8E	LPS	03	28	2001	A-17967	2.92	
2-A	TURKEY CREEK, TRIB. TO	KOSMICKI, ERNEST	01	0.28		19.80				27	14	11W	LL	04	24	2001	A-17978	8.25	
2-B	STEVENS CREEK, TRIB. TO	KROVER, KELVIN	02		134.00	--	--		17.00	23	9	7E	LPS	04	24	2001	A-17979	14.20	
2-A	LOUP RIVER, MIDDLE	FOREMAN, MARK	02		6.00				6.00	14	13	11W	LL	06	04	2001	A-17984	5.01	
2-B	RAWHIDE CREEK	VOINEK, EUGENE & DEBORA	01	0.71		50.00				5	16	10E	PWR	06	12	2001	A-17986	20.83	
2-B	PIUM CREEK, TRIB. TO	HERMAN DINKLAGE, INC.	32		15.20				3.10	34	25	4E	LE	06	21	2001	A-17991	2.59	
2-B	WAHOO CREEK	LAMPRECHT, LARRY	01	2.81						2	13	8E	LPN	07	16	01	A-17997	82.08	
2-B	SILVER CREEK	LAMPRECHT, LARRY	01	0.96						1	13	8E	LPN	07	16	01	A-17998	27.92	

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2-B	ELKHORN RIVER, TRIB. TO	100 ACRE WOODS LLC	02	33.00			5.98	2	14	10E	PMR	07	16	01	A-18000	4.99	
2-B	ELKHORN RIVER, TRIB. TO	100 ACRE WOODS LLC	02	12.00			2.01	2	14	10E	PMR	07	16	01	A-18001	1.67	
2-B	ELKHORN RIVER, TRIB. TO	SCHWADER, HAROLD AND JEANETTE	01	0.24		17		26	22	6E	LE	07	27	01	A-18002	7.08	
2-B	CLEARWATER CREEK	KACZOR, WILLIAM AND MARY	01	0.37				28	25	9W	UE	08	04	01	A-18003	10.83	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02	33.10			15.60	19	10	12E	LPS	08	09	01	A-18005	13.03	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02	123.50			24.80	21	10	8E	LPS	08	09	01	A-18006	20.71	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02	14.70			4.30	16	9	8E	LPS	08	09	01	A-18007	3.59	
2-B	SAND CREEK, TRIB. TO	SANDYLOT CATTLE CO.	32	79.30				17	23	4E	LE	08	17	01	A-18008		2
2-A	LOUP RIVER	VOICHOSKIE, ROBERT	01	0.34				10	16	5W	LL	09	04	01	A-18014B	10.00	
2-B	SAND CREEK, TRIB. TO	D.I. DRIFTWOOD	32	70.10				10	23	4E	LE	09	13	01	A-18019		2
2-A	AUGER CREEK	WINDMILL FEEDYARDS	32	60.00			5.58	18	15	11W	LL	09	20	01	A-18020	4.66	
2-B	WILLOW CREEK, TRIB. TO	BRACHT FEEDYARDS, INC.	32	82.00			14.26	19	22	7E	LE	12	26	01	A-18026	11.91	
2-A	COLUMBUS-GENOA CANAL	MOHR, JEROLD	01	2.22				6	16	4W	LL	01	07	02	A-18028		1
2-B	ELKHORN RIVER, TRIB. TO	BELLAR FEEDLOTS, INC.	32	92.40			7.20	7	23	5E	LE	01	23	02	A-18031	6.01	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02	30.00			8.70	29	9	8E	LPS	02	08	02	A-18036	7.26	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02	37.00			8.10	24	9	7E	LPS	02	08	02	A-18037	6.76	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02	21.90			8.70	28	9	8E	LPS	02	08	02	A-18038	7.26	
2-A	N. LOUP RIVER (CANAL)	NLRPPID	01	0.29		20.00		22	19	14W	LL	02	25	02	A-18043	8.33	
2-B	STEVENS CREEK, TRIB. TO	CITY OF LINCOLN	02	10.00			1.39	10	10	7E	LPS	02	25	02	A-18044		1
																1.16	

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2-B	ROMBURG CREEK	LANDHOLM, LARRY	02		37.70		7.60	22	21	7E	LE	02	27	02	A-18046	6.35	
2-B	MIDDLE OAK CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02		20.30		4.52	4	11	4E	LPS	03	06	02	A-18049	3.77	
2-B	HAINES BRANCH, TRIB. TO	SULLIVAN, LELAND & CATHERINE	02		19.50		4.40	16	9	5E	LPS	03	06	02	A-18053	3.67	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02		20.70		6.00	18	9	8E	LPS	04	10	02	A-18058	5.01	
2-B	STEVENS CREEK, TRIB. TO	LOWER PLATTE SOUTH NRD	02		121.70		28.70	24	10	7E	LPS	04	10	02	A-18059	23.96	
2-A	BEAVER CREEK, TRIB. TO NIEMOHNERS BROS. FEEDLOT		02		21.00		3.65	15	21	6W	LL	04	11	02	A-18060	3.05	
2-A	BEAVER CREEK, TRIB. TO NIEMOHNERS BROS. FEEDLOT		02		66.50		4.08	15	21	6W	LL	04	11	02	A-18061	3.41	
2-B	TURTLE CREEK, TRIB. TO NEWMAN, THOMAS		02		26.30		5.70	33	26	1E	LE	06	12	02	A-18085	4.76	
2-B	MASKENTHINE LAKE	LOWER ELKHORN NRD	05		24.00	8.00		7	23	2E	LE	06	24	02	A-18086	3.33	
2-B	EIGHT MILE, TRIB. TO	CLANCY, ROBERT W.	04	0.03		0.06		36	12	12E	LPS	07	23	02	A-18091	0.03	
2-A	MUD CREEK	GILLMING, MIKE	01	0.43		29.90		29	13	15W	LL	09	04	02	A-18106	12.46	
2-A	LOUP RIVER	MUELLER, IRVIN	04	0.17		2.00		15	17	1E	LL	10	10	02	A-18110A	0.83	
2-A	DANE CREEK, TRIB. TO	BIG E'Z BACKGROUNTING, INC.	32		23.30		5.90	19	19	14W	LL	10	15	02	A-18110B	4.93	
2-A	MUD CREEK, TRIB. TO	SANDHILLS TASK FORCE	02		228.00		113.15	18	28	35W	UL	10	29	02	A-18112	94.48	
2-A	SKULL CREEK, TRIB. TO	FENDRICH, RANDALL J.	02		14.95		4.00	23	16	4	LPN	10	29	02	A-18113	3.34	
2-A	SKULL CREEK	FENDRICH, RANDALL J.	08		23.00			23	16	4	LPN	10	29	02	A-18114	0.00	0.00

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2-A	OAK CREEK	VILLAGE OF DANNEBROG	04		9.50			11	13	11W	LL	12	11	02	A-18119	1	9.50 one time withdraw
2-B	WAHOO CREEK	MOLINE, CRAIG	01	2.56		179.00		34	14	8E	LPN	12	12	02	A-18121	1	74.58
2-B	WAHOO CREEK	LAMPRECHT, LARRY & GEORGIA	01	1.01		71.00		3	13	8E	LPN	12	23	02	A-18124	1	29.58
TOTALS																1681.24	371.64

USE: 01=IRRIGATION 02-STORAGE 03-MANUFACTURING 04-DOMESTIC 05-STORAGE ONLY 08-SUPP STOR
30=INDUCED GW RECHARGE 32=WASTE STORAGE 33=FLOOD CONTROL

* CORRECTED

1 PENDING

2 DENIED / DISMISSED

LAW OFFICES
FENNEMORE CRAIG
A PROFESSIONAL CORPORATION

DONALD G. BLANKENAU

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January 31, 2003

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

Dear Mr. Oltmans:

I am contacting you in my capacity as a Special Assistant Attorney General regarding the Missouri River litigation. As you know, litigation between the states of Montana, North Dakota, South Dakota, Nebraska and Missouri was initiated last spring. Many (but not all) of those federal district court decisions are now on appeal before the Eighth Circuit Court of Appeals. In addition, we anticipate litigation erupting in the near future involving those same states, along with various other entities.

Recently, the Attorney General's office became aware of contacts between the South Dakota Department of Game and Fish ("SDG&F") and Nebraska entities. Those contacts appear to be unrelated to any of the duties of the SDG&F and focus on Missouri River flow needs. We believe the SDG&F may be acquiring information to assist the State of South Dakota in litigation that could be harmful to Nebraska's interests. Accordingly, we ask that you refrain from responding to any inquiries related to Missouri River flows that you receive from any agency of the State of South Dakota, and direct those inquiries to David Cookson of the Nebraska Attorney General's office.

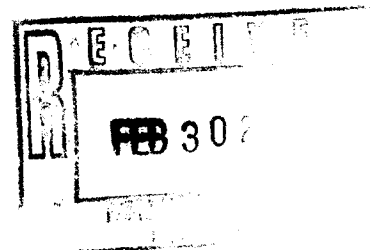
Your cooperation in this matter is greatly appreciated. Should you have any questions or comments regarding this or related Missouri River matters, please do not hesitate to contact David Cookson at (402) 471-2682, or me at the number shown on this letterhead.

Sincerely,

FENNEMORE CRAIG



Donald G. Blankenau



IN THE DISTRICT COURT OF WASHINGTON COUNTY, NEBRASKA

PAPIO-MISSOURI RIVER NATURAL)	CASE NO. C I 01 161
RESOURCES DISTRICT,)	
)	
Appellant/Condemner,)	BRIEF IN SUPPORT OF
)	APPELLANT/CONDEMNER'S
vs.)	MOTION FOR SUMMARY
)	JUDGMENT AGAINST
WRIGHT INVESTMENTS, INC., a)	APPELLEE/CONDEMNEE
Nebraska Corporation, formerly named Fort)	BRENT ARP and IN OPPOSITION
Calhoun Stone Company, titleholder, and,)	TO MOTION TO SUBSTITUTE
BRENT ARP, tenant,)	PARTIES
)	
Appellees/Condemnees.)	

The Board of Appraisers in the Washington County Court awarded Appellee/Condemnee Brent Arp ("Appellee/Condemnee Arp") the sum of \$10,096 as damages from the taking. The Appellant/Condemner Papio-Missouri River Natural Resources District ("the NRD") appealed to this District Court.

The NRD has moved for summary judgment against Appellee/Condemnee Arp to obtain an adjudication as a matter of law that Appellee/Condemnee Arp did not have a leasehold or other compensable interest in the property taken or involved in this case.

Appellee/Condemnee Arp has responded with a motion to substitute Willie Arp Farms, Inc., for himself as the appellee and condemnee in this litigation.

In his deposition (Exhibit ____), Appellee/Condemnee Arp testified that he is the vice-president and treasurer, and an employee, of Willie Arp Farms, Inc. (8:23-9:5); that

Willie Arp Farms, Inc., is and has been the farm tenant of the Wright property continuously since that corporation was formed in 1976 (11:5); that the lease is a standard 50/50 crop sharing arrangement (11:6:12:8), renewable annually (13:15-14:12); and, that the lease covers the entire Wright property (15:18-22).

It is submitted that it is absolutely clear that Appellee/Condemnee Arp is not the tenant and that he neither has nor claims any interest in this litigation. Therefore, it is submitted that the NRD's motion for summary judgment against Appellee/Condemnee Arp is good and should be sustained.

It is also submitted that Appellee/Condemnee Arp's motion for substitution should be overruled.

Appellee/Condemnee Arp contends that since Willie Arp Farms, Inc., is the tenant of the Wright Investments, Inc., Willie Arp Farms, Inc., should step into the shoes of Appellee/Condemnee Arp, even though the NRD did not include Willie Arp Farms, Inc., as a condemnee.

It appears that Appellee/Condemnee Arp, under the guise of substituting parties, seeks to force the NRD to condemn the interest of Willie Arp Farms, Inc., in the present action, as of or relating back to the date of the filing of the NRD original eminent domain action in Washington County Court.

There is nothing of record indicating that the damages of Willie Arp Farms, Inc., from the taking, if any were sustained, were the same in amount, character or justification as the damages awarded to Appellee/Condemnee Arp that are the subject of the NRD's present

appeal in the instant case. Appellee/Condemnee Arp impliedly asks the Court to leap to the assumption that they were the same.

It is submitted that, for many reasons, including self-evident legal concepts and also the citations hereinafter discussed, Appellee/Condemnee Arp should not be allowed to substitute Willie Arp Farms, Inc. for himself as the appellee and condemnee in this litigation and his motion should be overruled.

I

Condemnation awards to condemnees having different interests in the condemned property are several and distinct

Condemnation damages, if any, owed to Appellee/Condemnee Arp and condemnation damages, if any, owed to Willie Arp Farms, Inc. would be completely separate and distinct matters under Nebraska law. In Grace Land & Cattle Co. v. Tri-State G. & T. Assn., Inc., 191 Neb. 663, 217 NW2d 184 (1974) the Supreme Court clarified that each condemnee's award is a separate matter.

"A condemnee who does not appeal is bound by his award as it has the effect of a judgment if unappealed from. State ex rel. Katelman v. Fink, 84 Neb. 185, 120 N. W. 938; Gruntorad v. Hughes Bros., Inc., 161 Neb. 358, 73 N. W. 2d 700. **We long ago held that the awards to the various condemnees are several and should be separately determined by the appraisers in their report.** [666]State ex rel. Katelman v. Fink, supra.

* * * *

We have recognized the principles enunciated as re-[668]cently as Jackman v. Tri-State G. & T. Assn., Inc., 181 Neb. 459, 149 N. W. 2d 43. This was a case in which awards were made to the landowner and his tenant. The landowner appealed. The tenant was satisfied and took his money. In determining the question

of whether the landlord's appeal took along with him the tenant as an appellee, we said: "Did the appeal of the plaintiffs Jackman bring up the cause to the district court as regards the plaintiff Martin Mahnken? The record in this action reveals that separate awards were made by the appraisers to the owners of the land and to the tenant Martin Mahnken, who found the award satisfactory and did not appeal therefrom. It is apparent that the interest of the plaintiffs Jackman and of the plaintiff Mahnken are not inseparably connected. Where the parties have separate interests, one may appeal without joining the others, the case under such circumstances not being brought up on appeal as to such other parties."

What we have said conforms to the rules generally applicable. We quote from 30 C. J. S., Eminent Domain, § 356, p. 320: "It is not necessary that tenants in common of the premises who appeal name as parties to the appeal those tenants in common who do not appeal. Tenants in common may join in an appeal, but parties having separate interests cannot. Each owner of a separate interest or tract has the right of appeal with reference to such interest, and an appeal by one owner cannot affect the rights of others who are joined with him in the original proceeding. Thus if a mortgagee is a party to the proceedings he has a right of appeal independently of the owner of the fee; and on such appeal the condemnor may bring in the landowner in order that it may be fully protected. A life tenant may appeal from an award to him as owner without joining the owner of the reversion."

Let us now examine the statutory provisions. The [669]term condemnee is used in the singular throughout Chapter 76, article 7, R. R. S. 1943. Section 76-701, R. R. S. 1943, defines condemnee in the following language: "Condemnee means any person, partnership, corporation, or association, owning or having an encumbrance on any interest in property that is sought to be acquired by a condemner, or in possession of or occupying any such property." (Emphasis supplied.) Section 76-704, R. R. S. 1943, says: "If any condemnee shall fail to agree with the condemner," then the condemner may file a petition to condemn. **It is clear that the language of the statute recognizes the obvious fact that more than one condemnee may have an interest in real estate affected by the proceedings and that these interests are separate and may be different in nature and so are to be severally treated.** The very right of condemnation depends upon the failure of the condemner to agree with the condemnee with reference to the acquisition. Even though two or more condemnees may have an interest, if the condemner and one condemnee agree the interests of the other condemnees who do not agree may be acquired by eminent domain."

Thus, the county court award to Appellee/Condemnee Arp amounted to a separate judgment in his favor against the NRD, from which judgment Appellee/Condemnee Arp

did not appeal and from which the NRD did appeal. If Appellee/Condemnee Arp was allowed to substitute another person for himself as the appellee, how would the Court dispose of the judgment already rendered in favor of Appellee/Condemnee Arp? Clearly, the judgment in favor of Appellee/Condemnee Arp in this case must be considered by this court as a separate matter without reference to the claims of any other person having an interest in the Wright property, condemnee or not.

II

Since the substitution of parties requested would introduce a new cause of action into the case, the substitution should not be allowed.

Since the NRD filed an eminent domain action in county court to obtain the interest of Appellee/Condemnee Arp in the condemned property, the actual legal issue in this appeal is the amount of money owed to Appellee/Condemnee Arp, if any. The issue in the instant case is not the amount of money owed to some other person having an interest in the Wright property who was not made a condemnee by the NRD.

Sec. 25-852 R.R.S. clarifies that substitution cannot be used to change the issues being litigated. That statute provides as follows:

“25-852. Amendments in furtherance of justice. The court may, either before or after judgment, in furtherance of justice, and on such terms as may be proper, permit a party upon motion to amend any pleading, process, or proceeding by adding or striking out the name of any party or by correcting a mistake in the name of the party or a mistake in any other respect or by inserting other allegations material to the case, **or, when the amendment does not change substantially the claim or defense,** by conforming the pleading or proceeding to the facts proved. Whenever any proceeding taken by a party fails to conform, in any respect, to the

provisions of Chapter 25, the court may permit the same to be made conformable thereto by amendment.” [Repealed. Laws 2002, LB 876, s. 92. Operative January 1, 2003]

In New Light Co. v. Wells Fargo Alarm Services, 252 Neb. 958, 567 NW2d 777

(1997), which was not an eminent domain appeal, the Supreme Court said:

“Our most recent case addressing the substitution of a plaintiff after the statute of limitations period has run is Hoiengs [*Hoiengs v. County of Adams*, 245 Neb. 877, 516 N.W.2d 223 (1994)]. In Hoiengs, William Fairbanks, an employee of York County, sought a declaration that employees of the 91 defendant counties were entitled to certain benefits under the County Employees Retirement Act, Neb. Rev. Stat. § 23-2301 et seq. (Reissue 1991). The defendants' demurrers to the petition were sustained, the petition was dismissed, and Fairbanks appealed. While the appeal was pending, Fairbanks' employment was terminated, and he withdrew all of his retirement funds. Upon Fairbanks' motion, the Nebraska Court of Appeals granted leave to substitute Daniel Hoiengs, an employee of the defendant Cass County, as the plaintiff.

We considered whether it was proper to permit the substitution of another plaintiff. In requesting the amendment, Fairbanks sought to substitute one employee of the defendant counties for another. No other change was sought or made, and the newly named plaintiff bore the same relationship to the dispute as did his predecessor. We found that under the circumstances, it could not be said that the Court of Appeals abused its discretion in permitting Hoiengs to be substituted as the plaintiff.

In so doing, we set forth the propositions of law which controlled our resolution of that issue. We stated that **the propriety of substituting parties depends on whether the cause of action [963] otherwise remains the same. Where such substitution will introduce a new cause of action into the case, the substitution will not be allowed. We held that in determining whether a new cause of action results from the substitution of parties, the test is whether an attempt is made to state facts giving rise to a wholly distinct and different legal obligation against the defendant, or to change the liability sought to be enforced. In addition, we stated that in order to substitute one party for another, the party substituted must bear some relation to the original party or possess an interest in the controversy sufficient to enable that party to maintain the proceeding.”**

Because the substitution of Willie Arp Farms, Inc., would introduce a new cause of action into the case, that is, the amount of damages, if any, sustained by Willie Arp Farms, Inc., as a result of the condemnation, as opposed to the amount of damages sustained by Appellee/Condemnee Arp, it would not be proper to allow the substitution.

Also, there cannot be a substitution of Willie Arp Farms, Inc., for Appellee/Condemnee Arp because Willie Arp Farms, Inc., has no relationship to Appellee/Condemnee Arp or to the issue of the amount owed to Appellee/Condemnee Arp.

III

Appellee/Condemnee Arp cannot make a substitution of parties that would relate back to the filing of the NRD's eminent domain petition

It is clear that the doctrine of "relation" or "relation back" does not enable Appellee/Condemnee Arp to make a substitution of parties in order to relate any claim of Willie Arp Farms, Inc., back to the time of the original eminent domain action that is the subject of this appeal. In Consumers Public Power District v. Eldred, 146 Neb. 926, 22 N.W.2d 188 (1946) the town of Bridgeport sought to take, by an eminent domain action against Western Public Service Company, a power plant and other property that had been owned by Western Public Service Company but that had been sold to Consumers Public Power District just prior to the eminent domain action being filed. The Supreme Court said that the eminent domain action did not relate back to the time of Western Public

Service Company's ownership and thus did not cure the defect of parties in the eminent domain action:

"In support of their contention that proceedings are available under section 19-701, R. S. 1943, since the Western Public Service Company was owner at the time of the enactment of the ordinance, appellees rely on the doctrine of "relation" or "relation back." The doctrine has been de-[936]fined as follows: "That principle by which an act done at one time is considered by a fiction of law to have been done at some antecedent period. * * * It is a fiction of law adopted by courts solely for the purposes of justice; a legal fiction invented to promote the ends of justice, or to prevent injustice and the occurrence of injuries where otherwise there would be no remedy." 53 C. J., Relation, s. 3, p. 1185.

The doctrine can have no application here since a necessary element and condition precedent to its application is absent. **In order that it shall apply privity must exist.** In *Gibson v. Chouteau*, 13 Wall. (U. S.) 92, it was said: "The error of the learned court consisted in overlooking the fact that the doctrine of relation is a fiction of law adopted by the courts solely for the purposes of justice, and is only applied for the security and protection of persons who stand in some privity with the party that initiated proceedings for the land, and acquired the equitable claim or right to the title."

Privity has been defined in *Black's Law Dictionary*, (3d ed.) p. 1423, as follows:

"Mutual or successive relationship to the same rights of property."

"Derivative interest founded on, or growing out of, contract, connection, or bond of union between parties; mutuality of interest."

"In a general, nontechnical sense, private knowledge; joint knowledge with another of a private concern, which is often supposed to imply consent or concurrence; cognizance implying consent or concurrence."

There is nothing in the facts in this case as alleged in the petition from which it may be said that privity existed between the city of Bridgeport and the Western Public Service Company on account of the proposal of the ordinance to take the property of the Western Public Service Company.

Whether or not there was privity between the Western Public Service Company and the Consumers Public Power District is not a matter of concern here. If there was no benefit flowed from it to the city. **A party to claim the benefit of the doctrine of relation must be a privy. [937]**

* * * *

The next [sic] contention of appellant to which we give attention is that the proposal was fatally defective in that the Western Public Service Company was named as owner whereas at the time of the election the appellant was owner of the property sought to be condemned.

[941]It would appear in the light of the holdings of this court and in the light of our holding herein that the doctrine of "relation" is not applicable that the position is well taken."

IV

The result of not naming Willie Arps Farms, Inc., in its condemnation action is that the NRD has not acquired the interest, if any, of Willie Arps Farms, Inc.

The Supreme Court in Consumers Public Power District v. Eldred, *supra*, also noted that, when a condemner does not join a party having an interest in the property condemned, the effect is that the condemner fails to acquire the interest of that non-joined party, the Court citing Nichols on Eminent Domain:

"In Nichols on Eminent Domain, (2d ed.) Vol. 2, Par. 403, p. 1074, it is said: 'It is the duty of a corporation seeking to acquire land by eminent domain to ascertain the state of the title so that it may designate in its petition and make parties respondent or defendant all persons or corporations having any such interest in the property sought to be taken as will entitle them under the constitution or laws of the state to compensation for the taking.'

The effect, according to Nichols, Eminent Domain, (2d ed.) Vol. 2, Par. 404, p. 1075, is that: 'It is generally held that, when the condemnation of land is effected by judicial decree, failure to designate in the petition and to make a party respondent the owner of any interest in the land taken whose title appears of record or is otherwise ascertainable on reasonable inquiry renders the proceedings ineffectual to transfer such interest to the condemning party, * * * '"

Thus, since Willie Arp Farms, Inc., was not made a party to the NRD's eminent domain case, the taking in this case did not extinguish any interest of Willie Arp Farms,

Inc., in the property taken, nor any cause of action Willie Arp Farms, Inc., may have for damages from the taking.

If Willie Arps Farms, Inc. has been damaged as a result of the NRD's taking and desires compensation, Willie Arps Farms, Inc. obviously may file an inverse condemnation action for that compensation. There is no statute of limitations question here.

Since Willie Arp Farms, Inc., was not made a party to the NRD's eminent domain case, if the NRD desires to acquire or extinguish any interest of Willie Arp Farms, Inc., in the property taken in this case, the NRD will have to file a new condemnation petition having that purpose.

It is absolutely clear that Appellee/Condemnee Arp cannot, under the guise of substituting parties, force the NRD to condemn the interest of Willie Arp Farms, Inc.

RESPECTFULLY SUBMITTED,

PAPIO-MISSOURI RIVER NATURAL
RESOURCES DISTRICT


BY: 

PAUL F. PETERS, NO. 13288
TAYLOR, PETERS & DREWS
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that copies of this brief were mailed, on this
31st day of January, 2003, to the following:

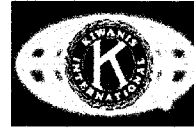
Gregory P. Drew, Esq.
1555 Washington Street
Blair, NE 68008

A handwritten signature in cursive script, appearing to read "Paul A. Drew", is written over a horizontal line.



"New" Kiwanis Park Gateway to Omaha

Where leaders come together
to serve the children of the world



UPDATE ON YOUR PARK

January 31, 2003

PLEDGES ARE COMING IN

To date we have received pledges from individuals and corporations totaling \$47,516. We have challenge matching gifts of \$20,000, with \$8,000 matched to date.

CONSTRUCTION WILL SOON BE UNDERWAY

We continue to work with the City of Omaha and NRD in the planning of the park. As part of their major Riverfront Trail project, the city will begin making upgrades on the trail, trailheads and parking lot this spring. The city plans to drain the lake this fall, with renovations to be completed by the spring of 2004.

CORPORATE CONTACTS

Corporate sponsorship is a vital part of this project. If you know of any company who is interested in partnering with us, or if you know of a company who is interested in making a matching contribution, please contact Scott Love at 522-9134 or e-mail: ScottL@millerelect.com.

MARK YOUR CALENDARS

September 2004 is the planned completion date for the park! How appropriate that the date coincides with the 30th anniversary of the original dedication of Kiwanis Park.

If you've already made your pledge, we thank you for your contribution and support. If you haven't, please do so now. Contact Ginny Winsor at 553-6446 (home) or 669-1469 (cell), or e-mail her at vwinsor@juno.com.

If you would like to serve on one of the project committees, please contact Jim Farrell at 496-3276 x335 or John Wells at 348-6487.



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Supervisors unanimously nix subdivision proposal 118

By Keith Rydberg
Reporter

Following a split decision by the Washington County Planning Commission, the Washington County Board of Supervisors unanimously denied permission for a developer to create a new housing subdivision in the county.

The 31-lot subdivision would have been located between the north side of County Road 32 and the south side of Washington County Road P30 with each lot at least three acres in size. Other amenities would have included an interior road system to connect the two county roads and water ultimately supplied

by the Papio-Missouri River
Natural Resources District.

It was proposed by William T. Wilkinson with Mitch McGowan speaking to the board on Wilkinson's behalf during the Tuesday, Dec. 10 meeting. McGowan also spoke on behalf of Wilkinson at the Dec. 4 meeting of the planning commission when a motion to deny the proposal was approved by a 3-2 vote.

Before discussion on the matter began at the supervisors' meeting, County Planning Administrator Doug Cook said the 90-minute discussion at the planning commission meeting

SEE SUBDIVISION PAGE 3A

Continued

SUBDIVISION: *Water, lot size are issues*

FROM PAGE 1

was fairly heated. Cook said one of the primary concerns was water, with many of those in attendance noting that water is already scarce in the area and that the Papio-Missouri River Natural Resources District had not formally committed to supplying water to the area. Other concerns addressed involved the likelihood of increased traffic in the area and the effect the subdivision would have on the rural setting that currently exists at that location.

District Four Supervisor Ernest Abariotes said one of the comments he has heard from people is that the subdivision is not necessary because of unsold lots available in the Lakeland housing development.

McGowan said the fact that lots are still available in Lakeland is irrelevant and should have no bearing on the decision regarding his subdivision.

"I don't see how this affects me," McGowan said. "This is almost like telling Woodhouse Ford they can only order 100 cars because Sid Dillon only orders 100 cars. It's simply a matter of free enterprise."

However, District Two Supervisor Harlo Wilcox then said people have been rather vocal in expressing their opinions of the project to him.

"I have received several calls

on this matter and none of the people who have called me have been in support of this proposal," Wilcox said. "The thing that concerns me is that you really don't know where the water supply is coming from for the lots."

Mike Andersen, who lives on County Road P30 approximately one-fourth mile from the proposed subdivision, presented results of a survey he had conducted with 25 residents who live near the area in question. Andersen noted 10 percent of the area surveyed consists of lots ranging in size from two to nine acres. If the subdivision were approved, the number would have increased to 57 percent.

"When the development is thrown into the mix, the minor-

ity becomes the majority," Andersen said. "There is a lot of pride in that neighborhood and a lot of nice acreages."

Andersen added about 85 percent of those surveyed were opposed to the proposal, but only 16 percent of those same people would be opposed to creating a similar subdivision with lots ranging in size from eight to 10 acres, noting the average size of a lot in that area is 27.5 acres.

"A lot of the people who were surveyed had concerns about what allowing three-acre lots would attract," Andersen said. "I can understand that there are some people out there who would like a three-acre lot, but there are such lots out there elsewhere."

Burt land included in USDA project

Landowners in central Burt County are eligible to take part in a \$209 million conservation program.

Burt County is among 37 counties in eastern and central Nebraska involved in the Conservation Reserve Enhancement Project.

According to Lee Appleby in the Soil Conservation Service office in Tekamah, the Bell Creek watershed will be included in the program. Producers should contact the Farm Service Agency office in Tekamah for more information.

"Any land that drains into Bell

Plains dealer 1-2-03

Creek is eligible," he said. "As a wild guess, that's probably a fourth of the county, at least."

Bell Creek runs through the middle of the county, skirting Craig. The creek heads almost straight south, emptying into the Elkhorn River near Arlington.

Governor Mike Johanns signed, and USDA Farm Service Agency Administrator Jim Little signed the 15-year agreement Dec. 11. The federal government will provide \$143

(Continued on Page 3)

Burt part of CREP

(Continued from Page 1)

million toward the water quality and wildlife habitat projects. State government and private organizations will provide \$66 million for the program, which targets 100,000 acres statewide.

Nebraska's CREP intends to improve the water quality of the designated streams and rivers, such as Bell Creek, by installing filter strips, riparian buffers, native and other grasses, wetlands and wildlife habitat practices.

The program makes incentive money available for landowners to voluntarily remove cropland or marginal pasture land from production in exchange for an annual payment from USDA.

A continuous sign-up period will open Jan. 21, 2003. Landowners with current CRP contracts are not eligible to enroll until the contract expires.

Examples of federal payments include: a one-time payment of \$100, \$150 per acre for land enrolled in ri-

parian forest buffer or grass filter strips; and a one-time payment equal to about 40 percent of the eligible cost for establishing the buffer or filter strip. The payment is in addition to 50 percent cost-share assistance USDA will provide for installing the practices.

USDA also will pay an annual rental fee for the life of the contract plus an incentive payment of 20 percent of the calculated soil rental rate for cropland or 20 percent of the established rate for marginal pasture. Annual maintenance payments also are part of the program.

Haying or grazing currently are not permitted during the contract period unless USDA allows it for emergencies.

From state coffers, participants will receive a one-time payment equal to \$100 per "corner resource area." Another \$100 payment will be made if all four corners of a field are enrolled. The state also is making cost-share money available for establishing approved practices.

Nebraska dams large and small now costing a lot more to insure

1-5-03

By TODD VON KAMPEN
WORLD-HERALD STAFF WRITER

Whether it be mighty Kingsley Dam or a tiny impoundment on a remote creek, Nebraska's dams cost more to insure in this post-Sept. 11 world.

Several dam owners and insurance agents say their liability-insurance premiums — which already were rising in response to various natural disasters — have shot upward since the 2001 terrorist attacks.

Many insurers, they say, fear that terrorists might turn their attention to major U.S. dams. It matters little that even Nebraska's largest dams, such as Kingsley near Ogallala, are puny compared with those potential targets.

"Somebody blowing a dam where there's either human beings or significant property values downstream that could be inundated is a big deal," said Keith Limbo, director of Dunbar-Peterson Insurance Agency of Omaha.

But such comparisons are frustrating to the 860 homeowners at Beaver Lake, a 325-acre lake and dam south of Plattsmouth, which saw its annual premiums rise by one-third in 2002.

Members of the Beaver Lake Association are paying 5 percent more in dues, in part to cover the insurance bill, said Shannon "Shay" Cockle, the business and community manager.

"How many terrorists think destroying Beaver Lake and our dam would cause that much damage?" she asked.

Higher premium quotes began showing up during 2002, leading some owners of Nebraska's 1,009 public and private dams to shop for better rates or pass on the costs to taxpayers, electricity ratepayers or lakeside homeowners.

Thirty-five of the state's dams are owned by the federal government, including Harlan County on the Republican River and Gains Point on the Missouri.

One of the most prominent, the Central Nebraska Public Power and Irrigation District, is considering federally backed anti-terrorism insurance for its dams,



KENT SIEVERS/THE WORLD-HERALD

Liability-insurance premiums for dam sites such as this one on Beaver Lake south of Plattsmouth have risen sharply since the 9/11 attacks.

lakes and powerhouses from Kingsley and Lake McConaughy to Johnson Lake near Lexington.

Central spokesman Tim Anderson said his board will vote Thursday on a \$100 million supplement to the district's regular liability coverage. It carries a high deductible — \$100,000 per occurrence — but will cost only \$9,000 per year, he said.

"I'm confident the board will support this idea and pay that premium," he said. "It's a pretty minor investment considering the coverage we're getting."

He said Factory Mutual Insurance Co. offered the special coverage after President Bush on Nov. 26 signed the Federal Terrorism Risk Insurance Act.

The new law provides up to \$100 billion per year nationally through 2005 to reimburse insurers for claims tied to foreign-institigated terrorist acts.

Central's regular liability-insurance premium jumped by 16 percent last summer to about \$300,000, Anderson said. Specialty National Insurance Co. provides that coverage through Dunbar-Peterson, which isn't involved in Factory Mutual's anti-terrorism package.

Another Dunbar-Peterson customer, the Papio-Missouri River Natural Resources District, absorbed a 26 percent premium increase this fiscal year. The NRD

is paying \$64,291 for up to \$11 million in coverage for all its operations. General Manager Steve Oltmans said.

The NRD's 63 dams include many small flood-control structures, as well as dams at Summit Lake near Tekamah, Walnut Creek Lake near Papillion and the recently completed Dam Site 6 near Bennington.

Many insurers dropped coverage against terrorist acts after the Sept. 11 attacks, Limbo said. His agency serves about 30 percent of Nebraska's irrigation districts, including Central, and one-fourth of the state's 23 Natural Resources Districts.

In trying to find them affordable insurance, "we've tried to make people aware that we're not Hoover, we're not Grand Coulee, we're not the impoundments that provide water for Denver or whatever," he said.

A major breach in the 3.1-mile-long Kingsley Dam might send enough water 50 miles east to cover North Platte with 2 feet of water, he said.

But Lake McConaughy's capacity of 2 million acre-feet — more than twice its current level — pales in comparison with the 9.7 million acre-feet of Lake Roosevelt, behind Washington state's Grand Coulee Dam, or the 28.5 million acre-feet of Lake Mead, behind Arizona's Hoover Dam.

1-7-03
w-H

Voyageurs are coming

With the first event of the bicentennial of the Lewis and Clark Voyage of Discovery approaching, planning — as much planning as is possible — has peaked. But the Missouri River will remain a wild card.

Meriwether Lewis and William Clark and their men, at the behest of President Thomas Jefferson, explored the Missouri westward, looking for a water passage to the Pacific Ocean. They didn't find one because there isn't one, but what they did find — Indian tribes, flora, fauna, the Rocky Mountains — was remarkable enough.

The Lewis and Clark expedition faced hardships today's Americans can barely imagine. Re-enactors, who will begin in Virginia and trace the voyage's route, will find other problems.

Among them: the Missouri River. It has been dammed, channeled and otherwise manipulated for flood control and navigation. It is marred by sandbars, dikes and other hazards. The river in many places is now narrower, swifter and more dangerous for small boats than it was 200 years ago.

**Lewis and Clark
bicentennial
will bring
many boaters
to the riverfront.**

Thus it is more dangerous for the re-enactors and for the privately owned boats — perhaps hundreds, perhaps thousands — that will accompany them on portions of their journey. Motorized boats will find the going tough; canoeists may find it impossible in places. (Lewis and Clark couldn't have made it against today's current.)

Communities all along the river are planning special activities during the official celebration, which kicks off Jan. 18 in Virginia. Boats following Lewis and Clark's watery path will probably show up this summer, though the Missouri portion of the voyage didn't begin until 2004.

Logistics are a problem. There are relatively few places on the river to gas up. Docking space is scarce. In some of the narrower reaches, boats may have to jockey for space. Local communities will have to handle emergencies and protect riverside historic sites.

But the onslaught is coming, ready or not. Perhaps the Missouri will cooperate. If not, local communities along the route should be ready to help.

+

Progress rolls on the river

Miller's Landing
\$4 million to \$5 million
Completion late fall-early winter

Pedestrian bridge plaza
\$4 million to \$10 million
Construction likely won't begin until fall 2005

Morris
\$1.5 million
2004 completion

Lewis and Clark Landing
\$5 million to \$8 million
Completed

Rick's Cafe Boatyard
At least \$2 million
Completed

Convention center
\$291 million
Fall completion

Gallup University
\$75 million
Some buildings will be done by August

Cannon Beach
Estimated \$6.6 million
(Army Corps of Engineers chute)
Project yet to be approved

Old Renaissance Center condominiums and apartments
\$10 million
Completion date to be determined

Pedestrian bridge
\$1.5 million
Fall 2005 completion

Omaha riverfront in early stages of development.

DEAN WEINLAUB/THE WORLD-HERALD

Just three years to change wasteland into playground

1-12-03

BY TODD COOPER

WORLD-HERALD STAFF WRITER

Lewis and Clark never had it so easy.

That's the first thing you realize standing on the newly constructed Lewis and Clark Landing along the Missouri River.

Concrete — with swirls of red and black — blankets the riverbank in perfectly level, 10-foot squares. A boardwalk escorts you, plank by plank, to

a cafe with a lighthouselike view of the river.

A bike trail curves around the cafe. Sixteen red vinyl umbrellas stand in perfect formation — like soldiers at roll call. Black lamps, in the shape of Bo Peep's cane, line the landing.

And that's just the beginning of the transformation.

"It's going to be much more spectacular than anything you can imagine," said Larry Foster, the city's acting parks di-

rector. "You can't even begin to think how cool this is going to be."

But you can try. In three short years, most of Omaha's riverfront will be in place.

Talk about your extreme makeovers. Big money — more than \$700 million from private and government sources — will have transformed the banks of the Big Muddy from an industrial wasteland into a

See *Riverfront*: Page 2

Continued

Riverfront: Wasteland becoming a playground

Continued from Page 1

vast recreational playground.

Gaze northward and see workers forming the walls of a marina — a water parking lot where houseboats, even water taxis, will maneuver.

Look farther north and see the green glass and taupe walls of buildings that will form the Gallup campus. Look west and the massive Omaha convention center looms.

Close your eyes and visualize the pedestrian bridge — a sweeping S-shaped walkway 55 feet above the river with spires towering to 220 feet and a grand plaza at its base.

Close your eyes, and you can see a new Omaha.

On the Omaha side

From his condominium at Ninth Street and Capitol Avenue, John Prouty can see the river out his front window, the convention center out his kitchen window and the First National Tower out his bedroom window.

And he can see something else. "For the first time," he said, "I see the emphasis of downtown moving from south of Dodge to north of Dodge."

This much is certain: It will move east. In the next few months, Omaha's riverfront will nearly double in size as the Abbott Drive viaduct is demolished.

"Everybody thinks the riverfront is this narrow strip of land because they only see it from the viaduct," Foster said. "But once the viaduct comes down, that entire area (from the arena to the river) will completely open up."

Running south to north, the riverbank will become a mile-long recreational sandwich, with a corporate campus and park on each end: ConAgra and Heartland of America Park on the south and Gallup and a new Miller's Landing on the north.

Hikers and bikers will be able to take a short, elevated bridge connecting Heartland of America to Lewis and Clark Landing.

As the bridge spills onto the landing, they'll have one of three options: a trail for intense exercisers that leads to Dodge Park north of Omaha; an elevated boardwalk that leads to the cafe; and a more leisurely trail that runs along the river's edge.

City officials hope the landing, which is 40 percent concrete and 60 percent green space, will have the kinds of events that used to be held at Ak-Sar-Ben.

Getting there

Drivers coming from and going to Eppley Airfield will have new routes beginning Friday:

Abbott Drive will angle west and connect with an extended Cumming Street. Motorists heading downtown will be able to take Cumming to 14th Street and head south. Folks going from downtown to Eppley will take 13th Street to Cumming and head east to Abbott Drive.

When the Omaha convention center is completed this fall, 10th Street will serve as the primary north-south route into downtown from the airport, says Charlie Krajicek, city traffic engineer.

On Jan. 20, workers will begin demolishing the Abbott bridge east of the convention center. Sixth Street will be built to provide riverfront access.

"We think it'll be home to craft shows and chili cookoffs and dances and car shows and just a bevy of things that we haven't even conceived," Foster said.

From the landing, walkers will stroll along a new marina. The path's edge will feature a sharp, 30-foot vertical drop — offering people a bird's-eye view of boats swimming in the marina.

With 35 slips, the marina could serve as a short-term destination for craft from other river cities. And it likely will house a water taxi that will ferry people to the casinos and other river ports.

"It could provide a whole new definition of downtown traffic," Foster said.

Beyond the marina, walkers will be able to continue on the riverside trail past a new National Park Service building, the Gallup campus and into a renovated Miller's Landing park.

Foster said a portion of Miller's Landing will be a flat version of Heartland of America Park — with a mix of trees and a small lake. The other part will feature wide-open green space with room for picnics and Frisbees.

'The crown jewel'

The pedestrian bridge will be the riverfront's centerpiece — both because of its location and because of its sheer size.

The sweeping walkway will sit 55 feet above the water. Its spires will jut 220 feet into the sky, with support cables fanning out like two giant sails.

Foster envisions the base of

the bridge as a festive plaza where people can gather under giant mobiles hanging from the walkway. They'll be able to watch water dance in fountains, board a grand elevator for the five-story ride to the walking trail or mill through art festivals.

"What will capture your imagination immediately is the bridge," Foster said. "It's just so awesome. It will be the most vibrant public space that Omaha has ever seen."

On the Bluffs side

Step off the east end of the bridge and you'll be in the shadows of two towers — one 12 stories and the other 14 — that will house 208 condos. The \$80 million project, called One Renaissance Center, will include two smaller apartment buildings.

But those likely will be the only buildings. Unlike Omaha, which has a floodwall close to the river, Council Bluffs' levee sits a quarter-mile away in spots.

City officials had hoped that developers would include retail stores — possibly a restaurant or bike rental shop — but preliminary plans don't include any.

With no room for other business, Council Bluffs hopes to provide a natural complement to Omaha's polished feel.

Namely, the U.S. Army Corps of Engineers proposes creating a chute in the Missouri River. Called Council Bend, the 1.5-mile-long river channel would start near the pedestrian bridge and continue north near Eppley Airfield.

The chute would create a mile-long island in the Missouri River — a natural sanctuary with a view of Omaha's skyline.

Two smaller pedestrian bridges would cross from the island back to the river bank and would connect to nature trails.

The island would offer nature trails, and maybe even primitive camping, said Ron Hopp, Council Bluffs park director.

Its tentative name? Discovery Island.

"This would be pretty remote, pretty natural," Hopp said. "Essentially, you'll feel like you're in the middle of nowhere, but you'll be able to look up and see the First National Tower."

Council Bluffs' bike trails will provide another escape. Cyclists crossing the pedestrian bridge from Omaha will be able to connect to a vast trail system that will take them either north to Big

Lake Park or south to the Wabash Trace, which runs all the way to the Missouri border.

Beyond the banks

The effect the new riverfront will have on its neighboring area is about as clear as the Missouri's murky waters.

Omaha Mayor Mike Fahey said he expects business to sprout along 10th Street, near the Gene Leahy Mall and between the convention center and the Creighton campus.

"The key word is more," he said. "You're going to see more people, more jobs, more business. We need to have retail down there to sustain our growth."

Bob Wilson, part owner of the Hot Shops artists' warehouse at 13th and Nicholas Streets, hopes riverfront development spills into its surroundings. City officials have long thought that the area between downtown and Creighton might become an Old Market North.

Wilson already has plans to turn a cozy, first-floor space in his warehouse into a coffee shop and cafe. He has considered putting a banquet facility on his unfinished fourth floor — which he says has a breathtaking view of downtown and the river.

"This is a pretty vibrant place," Wilson said of the Hot Shops. "I think this area could definitely attract restaurants and other arts and entertainment type businesses."

"It's really an exciting time. It's cathartic. You can see things coming down and things going up. There's just a lot of potential around here."

Will it live up to its potential?

Susan McGilvrey, an artist with the nearby 13th Street Gallery, worries that the riverfront will have too much concrete and too little character.

"I just wonder how sterile it will be," she said. "I mean, how plastic is it going to look? Will the buildings be such that it just looks like Millard with more street lights and a river?"

Foster says it will offer a mix — concert venues and concrete trails, festivals and family gatherings, lush green space and trickling water — that will suit everyone.

"As much as we can guess will happen down there, there'll be 100 more things that we haven't even thought of," he said. "It's going to be a fun, vibrant area. It just has incredible potential."

Saving Big Mac's water for later

W-H 1-13-03

■ Officials have discussed at least four ways to extend the reservoir's water supply.

HOLDREGE, Neb. (AP) — Central Nebraska Public Power and Irrigation District officials are looking at ways to extend the water supply in Lake McConaughy this year.

Nebraska's largest reservoir was at about one-third its capacity at the end of the 2002 irrigation season.

One of the district's ideas includes applying a synthetic material to about 100 miles of the supply canal and 75 miles of irrigation canals to reduce seepage. The material, polyacrylamide, bonds to clay to help seal the bottoms of earthen canals. That could save an estimated 5,000 to 20,000 acre-feet of wa-

ter in the lake, officials said.

Another option would be to use water in Jeffrey and Johnson Lakes to help meet demands. Central also could contract with the owners of groundwater wells to pump water into Central canals, saving 1,000 to 5,000 acre-feet of surface water.

A fourth option would be to maximize use of groundwater wells on a main Central canal. To do that, Central would turn wells on earlier in the spring. That could save up to 2,500 acre feet of water in Lake McConaughy, officials said.

The district's board of directors discussed the alternatives last week and will review them with the Nebraska Game and Parks Commission, the State Department of Natural Resources and area natural resources districts.

The district also is continuing an incentive program to convert gravity irrigation systems to more efficient center-pivot systems.

NEBRASKA

www.journalstar.com/nebraska

Company eyes railroad property for wells *Firm wants to buy Nebraska water and ship it to other states*

1-14-03
BY ALGIS J. LAUKAITIS

Lincoln Journal Star

Homeland Hydro Options, the company that wants to buy water in Nebraska and ship it to thirsty cities in Colorado and elsewhere, says it plans to drill wells on leased railroad property.

If that doesn't work, the company told the Nebraska Department of Water Resources, it will buy land to develop the wells.

Homeland Hydro Options sent

ripples across the state last month when it announced it wants to drill water wells in the Sandhills and ship about 7 million gallons of water a week by train to reservoirs in eastern Colorado.

Robert Krumberger, president of the Sedalia, Colo.-based company, said no decision has been made on whether to go ahead with the plan. He said the company is still looking for viable options to the water shortage in eastern Colorado.

A severe drought has lowered reservoirs and dried up small streams not only in Colorado but also in parts of Wyoming, Utah and Nebraska. The situation is so bad that moratoriums on new well drilling are in place in large areas of southwest and western Nebraska.

In a Jan. 6 letter to the Nebraska Department of Resources, Krumberger said his firm is gathering information regarding the pumping and transportation of water from existing wells within Nebraska.

The department had asked Krumberger for more details about the company's proposal to drill three wells in Grant County in the Sandhills.

Krumberger replied that Home-

land Hydro Options has not made definite plans to pursue permits for drilling those wells but still wants to know about the state's permitting system for removing and transporting water in Nebraska or out of the state "... in the event that developing this water source can be economically, and politically beneficial to the drought-stricken areas of Wyoming, Utah, Colorado and Nebraska."

The company informed the state that it would:

- Buy land for the drilling of new wells if lease agreements could not be reached with the railroad.

- Prefer a lease option since the need for the proposed wells would be short-term.

■ Market the water to drought-stricken areas in Wyoming, Utah, Colorado and Nebraska. The water would be used to augment water supplies for municipalities, businesses and industry, including agriculture, in any of these states, Krumberger wrote.

Krumberger told Nebraska officials that his company was recently contacted by several entities within Nebraska that have existing water wells. He did not disclose who they were.

"These persons are interested in selling the water from these existing wells to Homeland Hydro Options," he wrote.

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

Group to monitor Papio watershed

■ A new partnership will examine water quality and flooding potential.

1-14-03
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Over the next 40 years, the number of rooftops, parking lots and streets in the Papillion Creek watershed are expected to double.

And while that may sound like a piece of trivia, it has real-life implications for people who live and play in the 402-square-mile watershed in Washington, Douglas and Sarpy Counties.

As green space disappears, so does nature's ability to trap and filter water that runs off from storms. That can reduce water quality in lakes and streams. And it means more water pouring into area creeks, increasing the potential for flooding.

As a result, local governmental bodies have united to form the Papillion Creek Watershed Partnership. They are examining a number of regulatory and other changes to deal with the problems of water quality and flood control. Fixing those problems will cost money and one day that money could come in the form of a new stormwater fee that local residents and businesses pay.

People interested in learning more can attend a partnership meeting Thursday. The partnership is made up of nine cities, two counties and the Papio-Missouri River Natural Resources District.

The group has spent the past year studying potential problems along the watershed and will release some of their findings Thursday, said Marlin Petermann, assistant general manager at the Papio-NRD.

For more information, see www.papiopartnership.org.

Take part

Papillion Creek Watershed
Partnership forum, 5 p.m. to 7:30
p.m. Thursday, Papio-Missouri
River Natural Resources District
office at Chalco Hills Recreation
Area, 8901 South 154th St.

Talk of selling water to Colorado leads to fee bill

1-18-03

By ROBYNN TYSVER
WORLD-HERALD BUREAU

LINCOLN — The potential sale of Nebraska groundwater to Colorado interests was the impetus behind a bill introduced Friday in the Legislature.

State Sen. LeRoy Loudon, a freshman from Ellsworth, would put a 25-cent fee on every gallon of water transported 55 miles from its original well.

"We feel something has to be done to protect our resources," Loudon said.

He introduced the bill on the eighth day of this year's session. Lawmakers have until Wednesday to introduce bills.

It was revealed last month

that a Colorado firm wants to pump groundwater from Nebraska to sell to Colorado communities. The water would come from the Ogallala Aquifer.

Loudon's bill would make that a costly enterprise.

The 25-cent fee on each gallon of water under Legislative Bill 527 would be split several ways; 30 percent would be given to the state.

The rest would go to the landowner, the county in which the well is situated and the Department of Natural Resources.

"I think this is kind of a stop-gap measure to give us time to come up with a better solution," Loudon said.

W-17
1-20-03

A better plan

It's time to end years of debate over differing county and city planning philosophies and take action to merge the two departments to create a single, workable planning vision for Douglas County.

After a recent minor controversy over two subdivisions, County Commissioner Kyle Hutchings has said he will propose merging the county and city planning departments, perhaps even the planning boards.

The Joint Committee to Study City/County Merger in November recommended merging county planners into the City Planning Department.

As Omaha continues its relentless expansion, even the westernmost reaches of the county are losing their rural flavor as subdivisions sprout where corn and soybeans once thrived. And while county plans traditionally have been geared to maintaining that rural character, the city is eyeing the inevitable day when urban infrastructure will have to undergird all those subdivisions.

Tighter development makes extending infrastructure more efficient, city planner Steve Jensen said. Larger lots, or acreages, can complicate efforts to extend utilities and services.

"It sets up a barrier, and, before too long, all you have is acreages,"

Department merger would pave the way for inevitable infrastructure needs.

Jensen said. "Studies have shown that acreage subdivisions cost more in public services than they (homeowners) pay in taxes."

Already, the city is struggling to keep up

with suburban infrastructure needs. For example, city officials said this summer that Omaha had \$266 million in street needs. The city is spending only \$16 million a year.

Checking urban sprawl was a major part of the city's master plan adopted in the mid-'90s. A population density decrease from 9.2 to 5.1 persons per acre between 1960 and 1990 meant each person paid for an increased amount of streets, sewers and other infrastructure, the city said at the time.

County Planning Commission Vice Chairwoman Barbara Hayes agrees with Hutchings that change is needed, but she favors updating the regulations.

We say it's time for the merger. Some county officials, like County Commissioner Clare Duda and county Environmental Services Director Kent Holm, worry about protecting rural interests, but in reality those interests are already under assault. Having a single planning department or planning board would force negotiation on each project. Compromises would almost surely meld urban and rural interests into a single new philosophy.

W-H
1-20-03

Managing the Platte

Management of the Platte River for the welfare of all Nebraskans — irrigators, boaters and those who fish as well as municipal water users, power companies and environmental advocates — will dominate the agenda of this year's forum hosted by the University of Nebraska at Omaha's Environmental Studies Program.

Last year the focus was the Missouri River, its ecology and management; it was an excellent presentation. But the Platte is just as important to the state — perhaps more so, since it runs the length of Nebraska from west to east, the source of water, power and recreation for thousands of Nebraskans.

The Platte has been a source of debate among Nebraska, Colorado and Wyoming for many years. The

**UNO hosts
another forum
on a vital
Nebraska
water issue.**

states are in the process of working out an agreement that will govern its future — how much water must flow to benefit wildlife habitat and protect species, how much water or money each state must contribute to maintain the health of the Platte.

The forum's expert speakers will come from the State of Nebraska, the U.S. Fish & Wildlife Service, environmental groups, municipal utilities and others concerned about the river. The free forum, open to the public, is scheduled for 9 a.m. Saturday, Feb. 15, at the campus's Milo Bail Student Center Ballroom.

For anyone interested in the future of the Platte and the habitat and economic resources it supports, it will likely be an informative and worthwhile morning.

Federal OK on Wanahoo puts project in high gear

BY TODD VON KAMPEN
WORLD-HERALD STAFF WRITER

WAHOO, Neb. — With the federal government now firmly in Lake Wanahoo's corner, area leaders are hoping to welcome bulldozers next fall and state road graders the following year.

That means a long-awaited four-lane expressway ought to be completed around Wahoo in about two years, said Dawn Allyn, assistant roadway design engineer for the Nebraska Department of Roads.

Final design of the \$30 million Sand Creek Watershed project — anchored by the 639-acre Lake Wanahoo — is under way following final clearance Jan. 2 for the U.S. Army Corps of Engineers to take the leading role.

Eight dams will be built on Sand and Duck Creeks, highlighted by the Lake Wanahoo dam just north of Wahoo.

The Corps will pay 60 percent of the cost of the project, which also will add a net 1,170 acres of wetlands and build 900 acres of recreation and wildlife-management areas.

Final approval by R.L. Brownlee, acting assistant secretary of the Army for civil works, capped two years of selling Sand Creek's environmental benefits to Corps leaders in Washington.

They had given conditional approval at the end of 2000.

The Corps' Omaha office gathered the project's major local and state partners Jan. 6-9 to begin final design work, said Nelson Carpenter, the office's Sand Creek project manager.

They included the Wahoo-based Lower Platte North Natural Resources District; the Nebraska Game and Parks Commission, which is in charge of the recreation areas; and the State Roads Department, which will meld the project into construction of a four-lane U.S. Highway 77 between Lincoln

The final design of the \$30 million watershed plan is under way.

and Fremont.

Construction of the entire Sand Creek project should begin in earnest in the spring of 2004 and wrap up the following year, said Carpenter and John Miyoshi, general manager of the Lower Platte North NRD.

But workers could start preparing the Wanahoo dam site in September if Congress includes Sand Creek's first federal construction money in its tardy budget bills for the current fiscal year, Carpenter said.

The project is awaiting final clearance by the federal Office of Management and Budget to be sent to Capitol Hill.

Rep. Doug Bereuter, R-Neb., said Jan. 6 that he hopes to persuade lawmakers to write \$875,000 for Sand Creek into one of the unfinished budget bills.

If not, the money could take all year to clear Congress as budget bills for next fiscal year are written. That would delay site work until 2004, Miyoshi said, but would put off the start of dam construction the following spring by only about a month.

If all goes well, road crews should start building the expressway around Wahoo in 2004 and pave atop Wanahoo's completed dam in 2005, said Allyn, the Roads Department engineer.

Meanwhile, workers are making progress on an 11-mile stretch of the U.S. 77 expressway from Ceresco to the west entrance to Wahoo.

Work on that stretch began in late 2001, concentrating on a section extending south from Nebraska Highway 92.

That portion is nearly finished, while grading work has begun on the section running north from Ceresco, said Mike Sklenar, the Roads Department's District 1 construction engineer.

Southbound lanes from Ceresco to Nebraska 92 should be done by year's end, with all four lanes to Wahoo open by 2004, Sklenar said.

Nebraska should bar the transfer of water by outside interests

1/21/03

BY KEITH OLSEN

The writer, of Grant, Neb., is president of the Nebraska Farm Bureau.

Recent reports of a Colorado firm's interest in leasing or buying land in the Sand Hills to drill water wells and transport Nebraska water to the Front Range of the Rockies has raised a great deal of furor in rural Nebraska—and rightly so.

Not to knock anyone's entrepreneurial spirit, but ideas such as this ought to be a wake-up call for Nebraskans about the future of our most abundant natural resource.

Current Nebraska law specifies that the owner of land is entitled to the waters found under the land and that he or she can extract the water for some reasonable and beneficial use on the land. Over the last few decades, laws have been adopted to allow for transfers of groundwater off the overlying land.

Groundwater can be transferred if it is to be put to a reasonable and beneficial use, and the use is for an agricultural purpose or is part of a remediation plan under Nebraska's Environmental Protection Act. Current law also allows transfers across state lines, transfers for industrial purposes, and transfers for public water supplies for domestic uses. In each of these instances, a permit is required from the Nebraska Department of Natural Resources. In considering a permit, the department must consider varying criteria to protect the public interest and other water users.

Nebraska elected officials need to do all they can to prevent our water from being transported to other states. I'm not referring to transfer of Nebraska water to nearby border towns or farms for which permits have already been approved. My concern, and the concern of many farmers and ranchers, is the shipment of huge supplies of water over a great distance to serve cities such as Denver that are run-

ning out of water.

Tools are already in place to protect Nebraska's interests under the Department of Natural Resources permit process for interstate transfers of water. However, agriculture organizations, natural resource interests and Nebraskans in general need to closely examine current statutes and suggest possible improvements so that proposals such as the one made by the Colorado firm are scrutinized to assure the protection of Nebraska's water and interests.

I am pleased to see that the Legislature's Natural Resources Committee will be looking into this subject. It is a subject Nebraska's Water Policy Task Force should also consider.

Colorado has the Rocky Mountains. South Dakota, the Black Hills. Wyoming, Old Faithful. Those natural resources draw people to those states. Some come as tourists, and others come to live in those areas because they are drawn by the presence of these natural attractions. Nebraska has water as its most abundant natural resource. As Colorado uses the Rocky Mountains to draw people to Colorado, should not Nebraska use its water to draw people to Nebraska?

If people want to enjoy Nebraska's No. 1 natural resource, they should come to live in our beautiful state. Think what the possibilities could be if people and industries would move to Nebraska because of our water resources: New economic opportunities could be created, rural areas could be repopulated and young people could feel there is a future for them in their home state.

Water is a tremendous resource in Nebraska, but it is not unlimited. The very last thing we should do is allow it to be shipped to other states.

Farmers oppose tribal move to take over pesticide control

1-21-03

By PAUL HAMMEL
WORLD-HERALD STAFF WRITER

THURSTON, Neb. — Joel and Teri Lamplot say they should be treated like any other citizen of the United States.

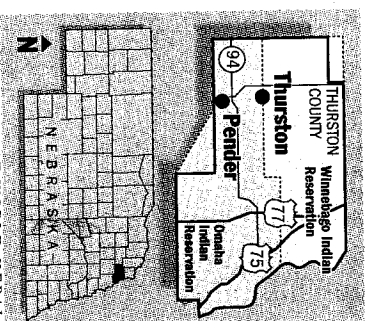
And that shouldn't change, they say, just because their farm — bought from an Indian family 84 years ago — lies within the historical boundaries of the Winnebago Indian Reservation.

"We pay state tax and federal tax. We don't pay tribal tax. Why on earth would we have to follow anything they tell us?" asked Teri Lamplot.

In a few months, the Lamplots, and dozens of other nontribal farmers in Thurston County,



KENT SIEVERS/THE WORLD-HERALD
Farmer Joel Lamplot loads grain near his Thurston, Neb., home. His group, We the People, is protesting efforts by the Omaha and Winnebago Tribes to take over pesticide regulation now handled by the federal EPA.



THE WORLD-HERALD
might have to pay more attention to their Indian neighbors.

Both the Winnebago Tribe, which covers the northern half of Thurston County, and the Omaha

Tribe, whose reservation covers the southern half, are moving ahead with plans to take over enforcement of laws concerning pesticide handling and application.

That job is now handled by the federal Environmental Protection Agency.

The plans, made public last spring, prompted an upheaval in this rural county 60 miles north of Omaha, where relationships between whites and Indians have frequently been tense.

Farmers formed a group called We the People to protest what they say is a threat to their rights and their ability to use chemicals to fertilize crops and kill off weeds and pests.

The Thurston County Board, which Teri Lamplot is a member and the Nebraska Farm Bureau have come out against the takeover. Lawsuits are expected.

"The fear is either they are going to try to regulate us out of business or fine us out of business," said Joel Lamplot, who heads We the People.

For their part, tribal officials say they hope to improve response time for environmental spills and create a few jobs. In turmoil, they say, is from a small group and is largely overblown.

"Basically, our goals are parallel," said John Blackhawk, chairman of the Winnebago Indian Tribe. "It won't be the tribe in

See Tribes: Page 3

Continued

Tribes: Move on pesticides opposed by farmers

Continued from Page 1

ing to pick on anyone or move anyone off their land.

"They just don't like the scenario of the tribe being in charge."

The EPA held meetings in the county last year in an attempt to quell the bad feelings. Officials said that such takeovers have worked on other reservations and that tribes couldn't ban pesticides or adopt more stringent rules without public hearings and federal approval.

"It cannot be arbitrary and capricious. There has to be a good scientific basis for that," said Jane Kloeckner, a senior attorney with the EPA's regional office in Kansas City, Kan.

The controversy is one of many involving the confusing web of jurisdictions that is spun across Indian reservations, and the latest clash between whites and the tribes in Thurston County.

The county, home to the two reservations for more than a century, is a checkerboard of white- and Indian-owned land. Over time, white farmers have bought 74 percent of the land within the

Winnebago Reservation; the figure is even higher on the Omaha Reservation.

In the western portion of the county, there is little Indian presence. White farmers have no contact with the tribe, unless they rent tribal land. Tribal police vehicles are seen only when transporting a prisoner to or from the county jail in Pender.

In 1999, a state judge, in deciding jurisdiction for a murder case in Pender, ruled that the Omaha Tribe had relinquished its claim to the town and areas to the west because of the land sales and other factors.

That ruling is fiercely disputed by the Omaha Tribe, which claims that only Congress can change reservation boundaries.

That dispute flared last month when Omaha tribal police conducted a safety check on Pender's main street. It raised questions about the tribe's jurisdiction over traffic enforcement.

But the issue of environmental enforcement is seen as an even more volatile dispute, pitting farming and feedlot practices against the tribes' concern about

pesticide use and manure runoff — concerns shared by white environmentalists.

While the Omahas and Winnebagos are getting more aggressive about exercising their rights as federally recognized sovereign governments, the EPA is encouraging tribes to take over enforcement of federal environmental rules within their reservation boundaries.

Kloeckner said that if a tribe can demonstrate the organization and the expertise to do the job, the EPA will grant the tribe money and give it the job.

While EPA and tribal officials say concerns are unfounded, farmers like the Lamplots envision bans on some farm chemicals and, eventually, more expensive regulations on feedlots.

They cite rules already in place on farmland rented by the Winnebago Tribe. Those rules include a ban on Atrazine, a popular herbicide that has been found in some streams and water supplies. The tribe also restricted aerial spraying for a time.

Joel Lamplot said such policies are fine on tribal-owned land, but would be regulation without rep-

resentation on land owned by nontribal members.

"We don't have any representation on the tribal council. Who would we go to if something was done that was unfair?" he asked.

Both he and his wife accused the tribe and EPA of being less than upfront with local farmers.

Both Blackhawk, of the Winnebago Tribe, and Kloeckner, of the EPA, said the farmers would have a voice.

If the tribe attempted to pass any rules in excess of current federal standards — such as a ban on Atrazine — public hearings would be held, and the tribe would have to provide scientific evidence that stronger rules are needed, Kloeckner said.

Blackhawk said his tribe has slowed down its efforts in an attempt to work with farmers but plans to submit paperwork to the EPA this summer. The Omaha Tribe, which abandoned an earlier attempt to assume EPA enforcement in 1998, is expected to follow.

The regional EPA director would eventually decide, after public input, if the tribes get the new responsibility.

River states seek water-level relief

U.S. Fish and Wildlife Service is being asked to move nests of endangered birds to higher ground.

BY DAVID A. LIEB
The Associated Press

JEFFERSON CITY, Mo. — A group representing Missouri River basin states asked the U.S. Fish and Wildlife Service to consider relocating the nests of endangered birds to meet desired water levels this summer.

The Fish and Wildlife Service rejected a similar proposal last year, when low summer water levels forced a suspension of commercial navigation on the Missouri River.

The U.S. Army Corps of Engineers wants to vary the release of water from upstream dams to maintain the minimum levels needed for downstream navigation throughout the summer.

The proposal likely would mean smaller releases in the spring, when the river traditionally has sufficient water, and larger water releases as summer progresses and tributaries start dry-

ing up.

The corps planned a similar approach last year.

But it was scuttled when the Fish and Wildlife Service refused to allow the relocation of eggs belonging to the piping plovers and interior least terns, which had built nests close to the water's edge just south of the Gavins Point Dam in South Dakota.

The least tern is a small, gull-like bird listed on the federal endangered species list.

Piping plovers are listed as threatened. About 730 adult piping plovers and more than 1,100 adult least terns have been counted along the Missouri River.

Raising the river last July — without relocating the bird nests — might have swamped 270 eggs or chicks.

And the chicks could have had trouble surviving a relocation, the Fish and Wildlife Service said.

As a result, barge traffic came to a halt from July 20 until after Aug. 14. Missouri officials have estimated a \$7 million loss from farmers unable to ship grain and hotel barges that canceled excursions.

The eight Missouri River Basin states are Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota and Wyoming.

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*

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8B WEDNESDAY, JANUARY 22, 2003

Ogallala challenge

The challenges to the future of the Ogallala Aquifer, a portion of which underlies much of Nebraska, are multiplying.

The most recent bad news comes from western Kansas, where university scientists discovered that the water level in the Ogallala is dropping faster than it has for at least a decade. Drought, they suggested, is causing irrigators and other water users to consume more, drawing the aquifer down faster than it can be replaced by natural processes. The Ogallala stretches from South Dakota to northern Texas.

This brings up another problem: Texas' rule of capture, which allows anyone who owns land in the state to extract as much water as he wishes from under his own land, even if it adversely affects neighbors' water supplies. And men like T. Boone Pickens, the former oil mogul and corporate raider, are ready to take advantage.

Pickens, who owns a large ranch in the Texas Panhandle, is competing with entities such as the City of Amarillo and companies such as one formed by Amarillo lawyer Ronald Nickum for aquifer water. Pickens says he has no choice but to pump: If he doesn't, someone else will, depleting his water as well as their own. Under the rule of capture, his premise is correct.

Unregulated water mining has already nearly shut down some farming communities in the Texas panhandle. In Dallam and Hartley Counties, for instance, irrigated farming no longer exists because the Ogallala has been sucked down below the point where it is economical to pump it out. Indeed, farming is no longer viable at all in some communities. Parts of the aquifer have lost more than 50 percent of their ca-

Lawmakers try to protect Nebraska's water resource from raiders.

capacity in the last half century.

Texas is apparently the only Western state where the rule of capture applies. In Nebraska, the Legis-

lature is trying to anticipate and control any such activity.

We have already discussed the problems posed by a private company that wants to pump water from the Ogallala in Grant County and haul it to sell to water-short Front Range communities. The state's power to circumscribe such a water grab could be limited by past court decisions, but lawmakers are searching for alternatives.

Lawmakers have already proposed several measures, perhaps the most pointed being Legislative Bill 123, sponsored by Sen. Ed Schrock, head of the Natural Resources Committee. That proposal would require a permit from the Department of Natural Resources for wells dug for the purpose of transporting water out of state. And the DNR could deny a permit over such problems as adverse environmental consequences, negative effects on water supplies needed by the area around the well and the potential impact on state water agreements and compacts.

Another measure, sponsored by Sen. LeRoy Loudon of Ellsworth, would attach a 25-cent-per-gallon fee on water transported more than 55 miles from the original well. Loudon called it a stopgap to give lawmakers time to devise a better solution.

Schrock, Loudon and the Natural Resources Committee are headed in the right direction. Water is a resource in the West for which there is no substitute, and the thirst of growing communities in Colorado and beyond is seemingly bottomless. The Legislature must work hard to protect the state's supply from raiders.

Plan would let birds be moved for river barges

1-23-03

By HENRY J. CORDES

WORLD-HERALD STAFF WRITER

If push comes to shove on the Missouri River this summer, the Army Corps of Engineers would move endangered birds to make way for barge traffic under a bill proposed Wednesday.

Sen. Kit Bond, R-Mo., introduced the measure that would bar the U.S. Fish and Wildlife Service from stopping the corps from moving the nests.

If adopted, the measure would prevent the repeat of a scenario that played out last summer.

When the drought caused low water levels on the Missouri, the corps wanted to increase the release of water from Gavins Point Dam near Yankton, S.D., to support barge traffic.

To prevent the release from

flooding out the endangered piping plover and least tern nests on the river, the corps wanted to remove eggs and raise them in a special hatchery it has established on the Nebraska side of the river near Yankton.

The Fish and Wildlife Service barred the corps from moving the eggs.

Environmental groups attacked Bond's proposal, saying it tries to exempt the Missouri River from the Endangered Species Act by preventing the wildlife service from enforcing it.

"It's not the national zoo act," said Chad Smith of the environmental group American Rivers.

"These birds, just like the fish, need a healthy river if they're going to survive," Smith said.

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

Omaha World-Herald

JOHN GOTTSCHALK, *Publisher*
 LARRY KING, *Executive Editor* CHARLES REINKEN, *Editorial Page Editor*
 DEANNA J. SANDS, *Managing Editor*

Senator would junk science

Sen. Kit Bond, a Missouri Republican, wants Congress to stand between the U.S. Fish and Wildlife Service and science. His measure, attached to a budget bill, would bar the agency from interfering when the Army Corps of Engineers wants to move the nests of endangered bird species to allow barges to travel on the Missouri River this summer.

Of more significance, perhaps, it would also forbid Fish and Wildlife from ordering a certain flow level on the river to benefit wildlife habitat. The agency, the National Academy of Science and environmental organizations have been trying to get the corps to alter its management of the Missouri to allow a spring rise in water level followed by a summer low. That, they argue, is the way to protect endangered species, benefit wildlife habitat and protect the river environment.

If Fish and Wildlife is forbidden from speaking out on the issues it understands best, issues it has scientifically studied, issues on which it has collected facts and statistics, it would violate its governmental mission and the public trust. Bond might as well fire all of the agency's researchers, investigators and scientists; they would be useless.

The senator is trying to short-

**Measure
 would bar the
 U.S. wildlife
 agency from
 doing its job.**

circuit a repeat performance of last summer's argument over moving the nests of threatened piping plovers and endangered least terns. The

corps wanted to release water from upstream dams to benefit navigation, but the nests and the eggs they contained would have been washed away. In previous years, the corps had moved similar nests, but not to promote navigation, which studies have indicated is of minimal importance to Nebraska and Iowa.

As it turned out, barge traffic on the river was limited but not entirely stopped during the weeks when the Missouri was at its lowest.

Fish and Wildlife would be ordered to stay out of the corps' business as it pertains to the Missouri. That would, in effect, exempt the corps from the Endangered Species Act, a foolish move.

Bond's entire proposal is self-interested (Missouri is one of two states — Iowa is the other — that oppose the spring rise/summer low water-management idea) and short-sighted. He wants to impose from on high a decision that should stand on research. He would insert politics into the scientific arena, where these decisions should be made.

His proposal should be rejected by senators who value science, the environment and the rule of law.

Washington County growth rides on adequate water

1-27-03

By TODD VON KAMPEN
WORLD-HERALD STAFF WRITER

BLAIR, Neb. — A debate over a proposed subdivision is highlighting a growing worry in the hills between here and Omaha: a lack of water.

That issue, which has triggered a study of extending rural water service in the area, was one of two major factors brought up by residents before the Washington County Board rejected a 31-lot subdivision on Dec. 10.

The other factor — a complaint that the subdivision's acreages would be too small — has prompted developer Mitch McGowan to submit a new plan with fewer lots on the 120-acre tract three miles south of Blair.

McGowan, who will return to the county's Planning Commission on Feb. 6, says he already has found a good, deep source of water. But he said future growth in the area will get a big boost if its water supply can be ensured.

He and Mike Anderson, a spokesman for opponents of the first plan, said the area needs the rural water system under study by the Papio-Missouri River Natural Resources District.

"It's going to continue to develop, but people don't understand how important water is to them until they have a problem and it runs out," Anderson said. He lives on about 13 acres just east of Nebraska Highway 133.

The hills and woods between Blair and Omaha are a target for residential growth in a proposed update of Washington County's comprehensive plan, Planning Director Doug Cook said.

County officials have generally left water issues up to developers, he said. But "maybe we need to ask that question a little more — what are you doing to guarantee water?"

Area residents could abandon their wells for water pipes if the Papio NRD finds enough customers for its proposed rural

water system. Its study area lies west of a 22-year-old NRD system that serves Fort Calhoun and southeast Washington County.

An engineer's report due by late February will tell whether a rural water system is feasible, said Dick Sklenar, the NRD's special projects coordinator. If so, the NRD would need hookup fees from a minimum number of customers. Neither that number nor the fee has been set.

Water for such a system probably would come from the City of Blair, said Sklenar and Blair City Administrator Rod Storm. The NRD's existing system taps the Metropolitan Utilities District's Florence water plant in Omaha.

Anderson said water concerns were cited by all 25 neighbors that he contacted within one-half mile of McGowan's subdivision. Anderson presented his findings to the Planning Commission, which recommended Dec. 4 that the County Board deny approval.

Blair seeks input on rural growth

1-27-03

By TODD VON KAMPEN
WORLD-HERALD STAFF WRITER

BLAIR, Neb. — Washington County officials want residents to tell them Tuesday what they think about a plan to allow more rural homes closer to Omaha.

They intend to present maps and answer questions about the county's proposed comprehensive plan at an open house in Blair.

Planning Director Doug Cook said the session kicks off the final battery of public meetings on the plan, which Wahoo's JEO Inc. consulting firm has been developing since mid-2000.

Washington County adopted its current comprehensive plan in 1970, well before the hills between Omaha and Blair began to fill with acreages owned by people wanting to escape urban life.

Cook said the proposed plan, crafted through two years of public meetings, envisions three major types of zones

Open house

When: 4 p.m. to 7 p.m. Tuesday

Where: Multipurpose room in the basement of the Washington County Courthouse, 1555 Colfax St., Blair

where people could put up rural homes.

■ Homes would be most plentiful in a "residential" zone closest to Omaha — generally, the already popular acreage area south of Blair, east of Nebraska Highway 133 and west of U.S. Highway 75.

■ Two "transitional-agriculture" zones would be more restrictive, allowing up to eight dwelling units per 160 acres. One zone would be generally along Nebraska 133, with a second between Blair and Herman, Neb.

■ Northwest Washington County would have the most restrictive "agricultural" zoning, with no more than four dwelling units per 160 acres.

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

Omaha World-Herald

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CHARLES REINKEN, *Editorial Page Editor*

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Drought on the Missouri

Navigation on the Missouri River has already been challenged by environmental concerns over river levels. Now nature itself is upping the stakes.

Barge operators, agricultural interests and the states of Missouri and Iowa have opposed plans to create a spring rise in the level of water in the Missouri system. The Army Corps of Engineers, which has a "hold" on any such plan, would have to release water from upstream reservoirs to allow the river level to rise. U.S. Fish and Wildlife Service experts contend that this rise and a low flow in summer are vital to the river's health.

But a spring rise scheduled for one out of three years might have an effect on the planting schedule for downstream fields near the river. And the summer low flow would almost certainly affect the ability of barges to navigate.

Now, a lack of snowpack in the mountains that feed the Missouri and its tributaries and a severe shortage of rainfall in the drought-stricken basin have combined to lower the level of water in the six reservoirs on the Missouri and cut the water in the stream itself. At

**River navigation
is besieged
by concerns
for environment
and, now,
nature.**

Omaha, the river is about two feet lower than normal. The six dams have about 13 million acre-feet less water than usual. (An acre-foot is just shy of 326,000 gallons.)

The corps is making noises indicating it could shorten the navigation season, set to begin April 1.

The water shortage is also bad news for the hydropower producers on the river. Last year, they managed a total of 7.5 billion kilowatt hours instead of the more normal 10.2 billion.

The Mississippi River is also at a low ebb because of a dry autumn and below-normal temperatures in the upper river basin, which tie up water as ice. The corps has asked barge operators to limit their operations on the stretch from St. Louis to Cairo, Ill. At least five strings of barges have gone aground already.

Barge interests must feel besieged: If it's not environmental activists or Fish and Wildlife challenging their priorities, it's nature and drought. But the drought will someday break and nature will balance things out. Concerns over endangered species and protection of the ecosystem along the Missouri won't go away so easily.

DNR calls farmers, ranchers to Republican River hearings

Some rights holders may lose their surface water rights due to nonuse:

1-29-03
ALGIS J. LAUKAITIS

Lincoln Journal Star

The state Department of Natural Resources said Tuesday it would hold about 300 hearings in the Republican River Basin in March and April to find out if surface water rights should be canceled or modified because of nonuse.

The Republican River Basin hugs the border between Nebraska and Kansas and extends from the state line in southwest Nebraska to the south-central city of Superior. Hundreds of farmers and ranchers rely on the river and its tributaries to irrigate crops and water livestock.

Last June, the state agency had one of the busiest administrative seasons ever, shutting off surface water irrigators in the Republican River Basin and elsewhere because of drought.

At one point, about 270 junior surface water right holders in the Republican River Basin were sent notices telling them to quit pumping water from the river. The no-

tices were issued to satisfy the holders of senior surface water rights, some of which date to the 1890s.

Susan France, division manager for water administration, said the shutoff notices created a huge workload. The agency expects a similar irrigation season this year, she said, and decided to make the process easier by finding out if some farmers and ranchers were no longer using their surface water rights.

"Because of the recent drought, the department has had more requests for administration of the flows in the Republican River Basin," France said.

State law requires the agency to investigate surface water rights periodically. France said the process reaffirms valid rights and removes unused rights from the system, thus helping all valid surface water users in the basin. The process does not affect irrigators who pump water from wells.

"The statutes state that an appropriation (water right) is subject to cancellation if there is more than three consecutive years of nonuse," France said.

Notices were sent this week to dozens of farmers and ranchers, telling them to attend a hearing. The first one will be held in Arapa-

hoe on March 10. More notices are expected to go out later this week.

Farmers and ranchers who receive notices will have a chance to explain to a hearing officer why their surface water rights should not be modified or canceled, France said.

The hearing process is much like that of a court, and a transcript will be prepared by a court reporter.

"There are excusable reasons for nonuse that apply up to 10 years," France said. Those reasons include: insufficient water, government set-aside programs and sufficient rainfall.

"If there are more than 10 years of nonuse, only one reason is sufficient to maintain the water right," France said. "That reason is insufficient water, and the farmer must have taken all the water available and used it on a portion of his land in order to save the appropriation for that farm."

If a farmer or rancher fails to show up, the agency then will act to modify or cancel the water right. Farmers and ranchers can appeal the decision of the state agency to the Nebraska Court of Appeals.

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

Sale of water to Colorado targeted

W-H

LINCOLN (AP) — Lawmakers are taking aim at an idea being floated by a company to ship Nebraska water to drought-stricken cities in Colorado and other states.

Homeland Hydra Options of Seedily, Colo., is considering drilling three water wells in the Sand Hills, at Ashby, Hyannis and Whitman. It then would ship about 7 million gallons of water a week by train to reservoirs in eastern Colorado, according to an early December letter to the State Natural Resources Department.

The Legislature's Natural Resources Committee heard testimony Friday on several bills that could thwart those plans.

One bill (Legislative Bill 527), by Sen. LeRoy Louden of Ellsworth, would place a fee of 25

Bills take aim at a plan to ship water to drought-stricken areas outside Nebraska.

cents a gallon for water sent to an area outside of a 55-mile radius of where it is pumped.

Anyone transporting water outside that area would be required to file a report with the Natural Resources Department, which would be required to monitor such wells.

"As a rancher . . . I'm quite concerned about the sale and transport of our groundwater," he said. "This year's drought has had such a drastic toll."

He emphasized that his bill was meant to restrict the selling of Nebraska's water, not encourage it.

"It is not a 'For Sale' sign," Louden said.

Another bill, (LB 183), by the committee, contains similar language but would assess a \$50,000 fine against a well owner who fails to record how much water is being transferred out of state.

The 25-cents-a-gallon sur-

charge would mean the company would have to pay \$1.75 million a week if it pumped 7 million gallons of water.

The state currently charges a one-time permit fee that ranges from just a few dollars to \$1,500, depending on the water use.

Company President Robert Krumberger said the water pumped from Nebraska would be sold to Colorado cities such as Denver, Fort Collins and Greeley — areas hit hard by the drought.

Krumberger said his company also would market the water to drought-stricken areas in Wyoming, Utah and Nebraska.

The water could be used by cities, businesses and industry, including agriculture, Krumberger wrote.

Krumberger's proposal would need approval from Nebraska officials.

The drought has hit Nebraska

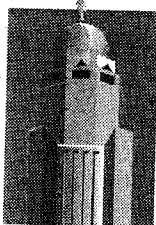
so hard that new well-drilling has been banned in large areas of the southwest and west.

Former State Sen. Loran Schmit of Bellwood proposed 20 years ago that Nebraska stake a claim to its underground water and make some money off its sale.

The Colorado company would have to obtain state permits to drill wells and take the water away from the overlying land, said Susan France, division manager for water administration with the Natural Resources Department.

The department would take into account the water supplies available in Colorado, future water needs of Nebraska and whether the permit would interfere with current and future water uses.

The committee also discussed a third bill (LB 123), by Sen. Ed Schrock of Elm Creek, which would clarify and strengthen the authority of the Natural Resources Department to take actions to protect Nebraska's water.



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