

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: February 7, 2005

FROM: Steve Oltmans, General Manager

A. **INFORMATION/EDUCATION REPORT**: A copy of the I&E Report detailing Information and Education activities for the month of January, 2005, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. **Emmett Egr**, Information and Education Coordinator, has been elected President of the Nebraska Chapter of the Public Relations Society of America. **Congratulations, Emmett!!**
2. The GM has resigned from the Board of Directors of the National Safety Council, Greater Omaha Chapter. While I will continue to support the Safety Council, I felt I must prioritize more of my time directly in areas relating to the natural resources field. A copy of my letter of resignation is attached.
3. **Kathryn Slater** has been hired as Info/Ed Intern. Her appointed is from January 4, 2005 through June 10, 2005. She will be assisting with the coordination of I&E activities to include Water Works 2005; Earth Day Omaha 2005, Wildflower Seed distribution, etc.

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, 2005. Please review this report and contact me if you have any questions.

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL**: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of January 18, 2005. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **PAPIO CREEK WATERSHED PARTNERSHIP UPDATE**:

1. **Upcoming Meetings**: The Papio Creek Watershed Partnership will be meeting on February 10, 2005 at the NRC. I have also attached a copy of the minutes from the January 13, 2005 PWPC meeting. I would also urge Directors to attend the remaining Watershed by Design Meetings scheduled on the following dates:

2. West Papillion Creek Floodplain Remapping Project Additional Services: As outlined in the enclosed February 4, 2005 letter from HDR Engineering, Inc, additional services needed for the West Papillion Creek Floodplain Remapping project will likely require the authorization of an increase of \$41,980 in the maximum allowable fee. The existing contract fee of \$370,000 is already \$20,000 more than the \$350,000 grant received from FEMA; therefore, the District's cost share for this project would increase to more than \$60,000. The staff does believe that the additional work outlined is justified and warranted to develop complete and accurate floodplain mapping of the West Papillion Creek basin. A little over 50% (\$195,000) of the contracted amount has been spent to date. It is hopeful that remaining work under the contract will be less than previously anticipated, so you're the original contract fee is not exceeded. For your information, please review the enclosed letter at this time and contact myself, Assistant General Manager Marlin Petermann or Paul Woodward, Project Manager, with any questions.
- F. ELKHORN RIVER PUBLIC ACCESS/HIGHWAY 64 PROJECT GRANT: The Nebraska Game and Parks Commission has informed the District they we have successfully obtained a Recreational Trails Program (RTP) grant for the Elkhorn River Public Access/Highway 64 Project for FY 2005. The District was awarded \$135,210 for the construction of the access point. The Village of Waterloo has also received a \$20,000 grant through the Trails Development Assistance Fund for this project. Construction will begin late spring/early summer and completed by fall, 2005. The Village of Waterloo will be responsible for the maintenance of the site. Copies of the letters of approval are attached.
- G. UPDATE ON DAKOTA COUNTY NATURAL RESOURCES CENTER BUILDING: Work on the Dakota County Natural Resources Service Center is proceeding well with nearly half of the building project completed. As of this date, the building is enclosed, with the roof sheeting on and the exterior walls up and in the process of being insulated. More than half of the floor has been poured, the heating and cooling units are in place the duct work is being installed and the electrical conduit is being run. No significant problems have been encountered except for the wet and unstable soil conditions that were encountered when construction began. Prochaska & Associates reports that construction is on schedule and should be completed by the June, 2005 deadline.
- H. NEWS CLIPS:
- ➔ Spring, 2004 issue of The Journal of Dam Safety Magazine Article – Rehabilitation of Aging Watershed Dams. The 21st Century Challenge for Watershed Project Sponsors
 - ➔ December 23, 2004, Ashland Gazette Article – Supervisors turn down four of five wells requested by NRD
 - ➔ January 12, 2005, Lincoln Journal Star Article – Nebraskans drilling new wells. Officials cite drought and moratorium as reasons behind the steady increase.
 - ➔ January 12, 2005, Lincoln Journal Star Article – Fortenberry assignment gives Nebraska another ag position.

- ➔ January 15, 2005, Omaha World Herald Article – Bill would let cities, villages combine. The legislation’s sponsor says the measure is not intended as a way to fight annexation.
- ➔ January 15, 2005, Omaha World Herald Article – Senator has vision of Omaha-Lincoln metro area. An innovation zone commission would push economic development. (This issue is one of many that the Lower Platte Corridor Alliance is trying to address on behalf of the P-MRNRD/LPSNRD and LPNNRD.)
- ➔ January 17, 2005, Omaha World Herald Article – Donors help Rotary reach trail-markers goal.
- ➔ January 17, 2005, Omaha World Herald Editorial – Elkhorn and Omaha 0 Annexation talk is natural as region grows. No hurt feelings are necessary.
- ➔ January 21, 2005, Omaha World Herald Article – Plain truth fails to ease Valley flood concerns.
- ➔ January 22, 2005, Omaha World Herald Editorial – What tourists are missing. The Sand Hills in spring, elk, mountain sheep, Boyer Chute, quiet beauty of the Platte. . .
- ➔ January 22, 2005, Omaha World Herald Article – Decision may bring water law to a boil. Suit OK’d against aquifer pumpers. Ranch’s creek ran dry.
- ➔ January 26, 2005, Omaha World Herald Article – Districts oppose exempting cities.
- ➔ January 26, 2005, Omaha World Herald Article – Law called best bet to avoid water wars. A system to balance allocations is better than letting courts decide, legislators say.
- ➔ January 27, 2005, Omaha World Herald Article – Lake proposed on Middle Loup. The project would be geared for tourism rather than for irrigation.
- ➔ January 27, 2005, Omaha World Herald Article – Bridge plan \$5.3 million short. The Omaha and Council Bluffs mayors will discuss how to raise the rest of the money needed to build the riverfront span.
- ➔ January 27, 2005, Omaha World Herald Article – Both sides have a say on proposed reservoir. Nebraska’s Natural Resources Commission will vote in March on whether a dam near Leigh should be built.
- ➔ January 31, 2005, Omaha World Herald Article – Rural fires can pose special problems. Adequate water supply is at issue.
- ➔ January 31, 2005, Omaha World Herald Editorial – Wells vs. creeks. Nebraska court provides guidance on next steps in managing state’s water.
- ➔ February 3, 2005, Omaha World Herald Article – State seeking to prevent fight over new water law. A task force opposes changes that would exempt cities from rules on drilling wells.

January 2005

Information & Education Report

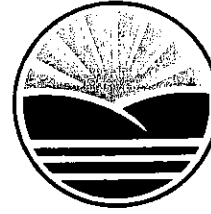
Information

- Media folders redesigned and printed
- Continued work on NE and regional Envirothon
- Designed Internet banner ad for placement on Omaha.com
- Continued web site redesign
- Continued work on Winter 2005 SPECTRUM
- Began preparation for Earth Day Omaha 2005
- Updated web site pages
- Distributed News releases on public meetings
- Began work on Omaha Home and Garden Show and Boat Sports and Travel

Education

- Printed and Mailed out Water Works 2005 Application
- Trained Spring 2005 Information & Education Intern
- Attended Water Works Planning Meeting
- Started semester long presentations to Millard South Environmental Science Class
- Attended Information & Education State Meeting
- Trained 26 pre-service educators at UNO in Project WILD
- Revised Rural Water Cover Sheet
- Started Planning for LEP facilitators workshop in July
- Supplied Butterfly Gardens for all 3rd Grade Classrooms at Benson West
- Up-dated and printed Water Works letterhead
- Started working on new NRD education programs
 - Game Scene Investigation (GSI)
 - How Many Bears Can Live in this Forrest?
 - Migration Headache
- Managed 65 volunteer hours
- Continued working on Metro Regional Envirothon 2005
- Pheasant Fest
 - Organized NRD staff informational meeting
 - Set-up and worked NRD Booth, arranged for other staff members to work shifts
 - Worked with Youth Village Presenters
 - Held Leopold Education Project (LEP) Workshop
 - Worked LEP Booth

PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT



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

January 12, 2005

Ms. Carol Casey, Chairperson
National Safety Council, Greater Omaha Chapter
11620 M Circle
Omaha, NE 68137

Dear Carol:

This correspondence is to inform you that I have decided to resign from the National Safety Council, Greater Omaha Chapter, Board of Directors, effective immediately.

I simply cannot cover all the bases that I am currently committed to! I am currently serving on several Boards of Directors locally, state-wide and nationally. I must prioritize more of my time directly in areas relate to the natural resources field.

The Safety Council has been and always will be supported and promoted by myself whenever the opportunity arises. I have truly enjoyed my tenure as a Board Member and appreciated working with your dedicated staff.

Optimistically,

Steven G. Oltmans
General Manager

Cc: Kay Farrell, President/CEO

Papio-Missouri River Natural Resources District Board of Directors

Fred Conley • John Conley • Richard Connealy • Tim Fowler • Richard Jansen • Rick Kolowski
Dorothy Lanphier • Joseph Neary • John Schwope • Rich Tesar • Jim Thompson
Steven G. Oltmans, General Manager

January, 2005

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Updated: January 18, 2005

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

★ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road** (Woodward):
- **Little Papio:** (Cleveland)
- **Big Papio:** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - ★ Purchase Agreements, deeds (90th to Giles) (P)
 - ★ Interlocal Agreement with Sarpy County and Bellino (N)
- **Western Sarpy Dike** (Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - ★ Cabin ROW Documents, PA for Vosler & Grothe (W)
 - ★ Hansen ROW Condemnation (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - Bennington Trail Interlocal Agreement (W)
 - Western Douglas County Trails Agreement (W)

- **Missouri River Corridor Project** (Becic):
 - California Bend – Final settlement with tenant (Wright's) (W)
 - Lower Decatur Bend – Appraisal Review, ROW documents and habitat easements (P)
- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - ★ Pigeon/Jones Creek Site Easements – as needed (3 at present) (W)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
 - ★ Papio Site S-27 (Fox Ridge Estates) Trail Easements (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - Dam Site 19 agreement (F)
 - ★ Dam Site 13 Purchase Agreement with Dial (W)
 - ★ DS 13 Purchase Agreement for Lyman-Richey Corp (W)
 - ★ DS 13 Agreement with Elkhorn and Omaha (W)
 - ★ DS 13 Easement with Metro Community College (W)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - NRD Bonding Authority Legislation (P)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
 - ★ Purchase Agreement and Warranty Deed with G&G Manufacturing (N)
- **Other:**
 - ★ Interlocal Agreement with Bellevue for Missouri Riverfront Development (W) (Becic)
 - NRD/Roncalli/Omaha Agreement – Cole Creek Improvement Project (N) (Bowen)
 - ★ Walnut Creek Amphitheater Lease (N) (Lee)

**PAPILLION CREEK
WATERSHED PARTNERSHIP**

MEETING MINUTES



**Meeting on Comprehensive Stormwater Management
January 13, 2005 - 10 AM to Noon - Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

Attendants

The following were in attendance: Laurie Carrette Zook (HDR), Lyle Christensen (HDR), Connie Spellman (Lively Omaha), Kent Holm (Douglas County), David Goedeken (Bellevue), Marty Leming (Papillion), Marty Grate (Omaha), Nina Cudahy (Omaha), Bob Sink (Omaha), Karen Klein (Omaha), Pat Slaven (Omaha), Lynn Heng (NRCS), Mike Kemp (Offutt AFB), Steve Tonn (Douglas/Sarpy Co Extension), Marlin Petermann (P-MRNRD), and Paul Woodward (P-MRNRD).

Purpose

A Partnership meeting was held on the above date in order to discuss topics stated in the attached agenda. The meeting began at approximately 10:10 AM.

1. Introductions

- Marlin Petermann (P-MRNRD) opened the meeting and everyone introduced himself or herself. An agenda and sign-up sheet were distributed.

2. Watershed Study Action Items

- Lyle Christensen (HDR) reviewed the proposed presentation for the "Green" Watershed Public Forum to be held Thursday, January 20, 2005. Several changes were suggested to the presentation. The format of question card responses and a public questionnaire or survey was discussed. It was concluded that presenters and possibly other knowledgeable volunteers such as Connie Spellman or Karen Klein should respond to written questions prior to having the public complete a survey. It was also decided that Questions and Answers from the last Public Forum would not be printed, but would be made available on the Partnership website. Paul Woodward (P-MRNRD) noted that announcements for the Green Public Forum had been mailed out yesterday and that he would send out an email notification later. Also, a press release was provided to the Omaha World Herald for a potential article. It was suggested that those receiving the email announcement should forward it to other interested parties including associations or organizations who might favor a "Green" watershed. Boards for information stations were discussed and it was decided that an additional board showing additional "Green" watershed pictures would be prepared by HDR. Other materials needed for the Public Forum next Thursday were noted and will be provided with coordination between the NRD and HDR.

- The upcoming dates for the Clean (February 17, 2005) and Safe (March 17, 2005) Public Forums were reviewed. Marlin Petermann noted that the Safe Public Forum fell on St. Patrick's Day and suggested that the date be changed. After discussion, it was decided to reschedule the Safe Watershed Public Forum for Wednesday, March 23, 2005. Presentations and brochures will be updated to reflect this change.

3. NPDES Permit Compliance

- Nina Cudahy (Omaha) handed out a draft of the NPDES Phase II Annual Report and reviewed its contents. She noted that input is needed from individual cities or counties regarding their progress on individual requirements such as street sweeping, etc. These totals need to be compiled for August through December 2004 or all of calendar year 2004, if appropriate, and then reported to Nina Cudahy (Omaha) by the next Partnership meeting.

4. Stormwater Legislation

- Marlin Petermann (P-MRNRD) announced that the new Stormwater Funding Legislation was known as LB 102 and a hearing on the bill in front of the Natural Resources Committee of the State Legislature was scheduled for January 19, 2005 beginning at 1:30 PM. A copy of the proposed bill was handed out. Marty Grate (Omaha) briefly reviewed the provisions of the bill and noted that there was a conference call tomorrow at 2:00 PM with Lincoln and other Phase II communities throughout the state to discuss preparations for the hearing.

5. Other Items of Interest

- Steve Tonn (Douglas/Sarpy Co Extension) described that there will be a February 10, 2005 Cunningham Lake Watershed Council meeting to go over a draft management plan from Olsson Associates before presenting the plan at a public meeting. Proposed water quality basins proposed in the draft plan were discussed. Karen Klein (Omaha) explained proposed zoning overlays for cluster development. Pat Slaven (Omaha) reported that the draft plan should be available for review by the Partnership later this month. Lynn Heng (NRCS) explained that they are targeting a 20% reduction in sediment and nutrients in the Cunningham Watershed through EQUIP funding up to 90%. He also noted that NRCS was completing an inventory of stream stabilization needs.
- Steve Tonn (Douglas/Sarpy Co Extension) distributed flyers for the Erosion Control Seminar coming up on February 9, 2005 at the Douglas/Sarpy County Extension building. Partnership members and their respective staffs who may be responsible for reviewing sediment and erosion control plans in the future were encouraged to attend.
- Marty Grate (Omaha) highlighted a meeting that Omaha had with NDEQ concerning 2005 monitoring. He explained that Omaha would be performing the same type of

systematic sampling as NDEQ, but at additional locations. It was noted that this approach might be modified next year to acquire more wet weather event monitoring.

6. Next Meeting Dates

- The next Partnership meeting will be held on Thursday, February 10, 2005 at 10:00 AM in the Board Room of the Natural Resources Center. A Subcommittee meeting will be held prior to this meeting at 9:00 AM in the Board Room of the Natural Resources Center. The next public forum is scheduled for Thursday, February 17, 2005, at 7:00 PM.

7. Adjourn

- The meeting adjourned at approximately 11:45 AM. An agenda, attendance list, and the handouts passed out at the meeting are available to those members who were not present at the meeting upon request.

Please contact Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.



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Sent Via Email: February 4, 2005

February 4, 2005

Marlin Petermann, PE
Assistant General Manager
Papio-Missouri River Natural Resources District
8901 S. 154th Street
Omaha, NE 68138

RE: Floodplain Remapping for West Papillion Creek and its Tributaries
HDR Job Number 12266
Request for Additional Services

Dear Marlin:

The Papio-Missouri River NRD contracted with HDR Engineering, Inc. on March 2004 to provide engineering services to remap the floodplain on the West Papillion Creek and its Tributaries. During the development of the deliverables stated in FEMA's Map Activity Statement (MAS), additional analyses beyond what was scoped in our agreement were conducted. The purpose of this letter is to document the changes to the scope of work and request an additional fee of \$41,980.

The scope of work was segmented into eight (8) task series. The additional work is associated with FEMA's MAS 1 - Surveying and Field Reconnaissance, MAS 2 - Topographic Mapping, MAS 3 - Hydrologic Analysis, and MAS 4 - Hydraulic Modeling. The following paragraphs summarize the Additional Services.

MAS 1 - Surveying and Field Reconnaissance (Task Series 200)

In our key understandings, "The number of hydraulic structures to be surveyed is 89." Based on existing flood profiles and aerial mapping, only 89 structures were identified. In an attempt to keep within the grant funding limits, the number of hydraulic structures was limited to 89 and no contingency was included. During the field reconnaissance, we identified 104 structures, in which 100 structures have been surveyed by Lamp, Rynearson Associates (LRA). This effort included additional field survey and field reconnaissance services at a cost of \$15,120.

MAS 2 - Topographic Mapping

Within the project scope, it was anticipated that some time would be required to review topographic mapping deliverables from Horizons and was incorporated into Task Series 400. HDR was asked to assist in defining the limits of the LiDAR corridor for the topographic mapping contractor along the Big Papillion Creek and its tributaries. This was an iterative process and required 24 hours of extra effort.

Data has been received from Horizons and the P-MRNRD on four different occasions, requiring additional time for data inventory and inspection. The additional time spent in data review and coordination totaled 16 hours.

The subtotal for assisting in the topographic mapping work totaled 40 hours of a water resources engineer or a cost of \$3,400.

MAS 4 – Hydrologic Analyses (Task Series 300)

In the Agreement, the key understandings notes that *“The HEC-HMS model developed for Stage I will be utilized as the baseline hydrologic model. The land use maps created in Stage I were created from data collected from the Partnership communities and adequately depict 2040 land use conditions.”* This item was discussed in much detail during scope negotiations. During an October 14, 2004, progress meeting with P-MRNRD staff it was decided to re-evaluate the landuse. This extra effort required 32 hours of a water resources engineer.

Another key understanding in the agreement states that *“Only 1 HEC-HMS model will be prepared for the Watershed”* and *“Calibration of the baseline HEC-HMS model was performed during Stage I activities. Since only minor modifications will be made to the baseline HEC-HMS model, no additional calibration is required.”* While initial comparisons to the Stage I HEC-HMS model were in good agreement, it was recognized that the Stage I HEC-HMS model overestimated peak discharges along the downstream portions of West Papillion Creek. The Baseline HEC-HMS floodplain model was modified and additional comparisons made. This extra effort required 60 hours of a water resources engineer.

During the October 29, 2004 meeting, channel improvements on West Papillion Creek upstream of Walnut Creek were discussed. It was decided to segment the channel improvements into 3 phases, thereby showing the effect of the channel improvement. This was not anticipated in the initial scope. This extra effort required 24 hours of a water resources engineer.

The subtotal for Task Series 300 Hydrologic Analysis Additional Services totaled 116 hours of a water resources engineer or a cost of \$9,860.

MAS 5 – Hydraulic Analyses (Task Series 400)

The hydraulic model is currently under development. Due to the number of additional hydraulic structures, an additional fee for Task Series 400 will be required. It is estimated that incorporating the additional 15 hydraulic structures will require 120 hours of a water resources engineer.

In addition, we have been requested to incorporate projects currently under construction or in final design into the model. During scope negotiations, incorporating the channel improvements from 96th Street to Giles was discussed. Since then, additional bridges (42nd Street, 48th Street and 96th Street) and a channel improvement project (segment of West Papillion Creek in Elkhorn) were identified for inclusion in the model. This will require review of hydraulic models prepared by Others and review of bridge plans. It is estimated that this effort will require 40 hours of a water resources engineer.

The subtotal for Task Series 400 Hydraulic Analysis Additional Services requires 160 hours of a water resources engineer or a cost of \$13,600.

Summary

The following summarizes the Additional Services fee:

MAS 1 - Surveying and Field Reconnaissance	\$15,120
MAS 2 - Topographic Mapping	\$3,400
MAS 4 – Hydrologic Analyses	\$9,860
MAS 5 – Hydraulic Analyses	<u>\$13,600</u>
Total:	\$41,980

Letter to Mr. Petermann
February 4, 2005
Page 3

The activities described above need to be completed to remap the floodplain of West Papillion Creek and its tributaries. With the identified Additional Services, the schedule may be adjusted. We are currently placing additional resources on this important project to meet current deadlines.

If you have any questions or would like to discuss this request in more detail, please contact me at (402) 399-1078 at your convenience.

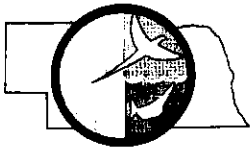
Very truly yours,

A handwritten signature in cursive script that reads "Laurie Carrette Zook".

Laurie Carrette Zook, P.E.
Project Manager

Enclosure

cc: Paul Woodward, P-MRNRD, Water Resources Engineer



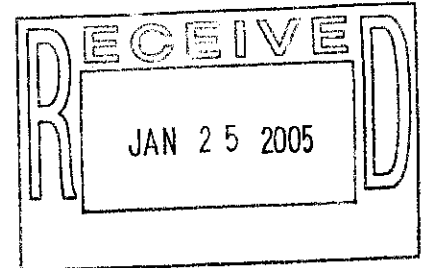
Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

January 24, 2005

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



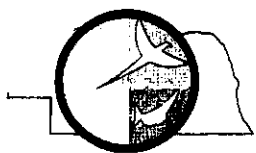
RE: RTP 2005 (003), Elkhorn River Public Access/Highway 64

Dear Dick:

CONGRATULATIONS! On behalf of Nebraska Game and Parks Commission (NGPC), I would like to congratulate you for successfully obtaining a Recreational Trails Program (RTP) grant for the Elkhorn River Public Access/Highway 64 project for fiscal year 2005. At this point, the Federal Highway Administration (FHA), has not given NGPC the authority to move forward on these projects, so you **MAY NOT** begin any work until contracts have been signed between FHA and NGPC and in turn contracts have been signed between NGPC and the Village of Waterloo/Papio-Missouri River Natural Resources District. I will need a copy of the interlocal agreement these two entities come up with prior to signing contracts.

To improve upon communication between the grant sponsor and NGPC regarding administration of this grant, you will be required to attend a grant administration training. It will be up to you to call me and schedule an appointment to take this training. It will take approximately one hour of your day. Until you have received this training, your project cannot move forward. The sooner you call me to schedule the appointment, the sooner your project will move forward. Because I am not sure who the administrator contact will be on your side, I will need both agencies to call me and talk with me about this.

In regards to the amount of funding your project received, the Committee chose to fund your project at \$135,210.00 for the construction of the access point that has been outlined in the application. FHA deemed that the picnic units and the signage were not eligible for reimbursement. At this point, my office will request a Section 106 review by the State Historical Society, a Threatened and Endangered Species Review from the U.S. Fish and Wildlife Service and NGPC (I will attach the information already received by them that you requested previous to the grant application), as well as STIP inclusion from NDOR and the City of Omaha. If it is necessary to obtain a floodplain permit, you will need to do so prior to signing contracts, if at all possible. If not, call me and we will deal



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

with this issue. I will go into more detail on these items at the meeting you will schedule with me.

Again, I want to congratulate you for receiving a RTP grant for fiscal year 2005 and I look forward to working with you on getting this project built. If you have questions regarding this or you want to set up your appointment with me to go through the grant administration training, please do not hesitate to contact me at (402) 471-5425 or email me at mstryker@ngpc.state.ne.us. Thanks for your time and I look forward to seeing you in the near future.

Sincerely,

Michelle Stryker
Outdoor Recreation Planner
Acting Trails Grant Administrator



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

January 21, 2005

Village of Waterloo
Nancy Hert
P.O. Box 127
Waterloo, NE 68069

RE: Trails Development Assistance Fund

Dear Ms. Hert,

I am pleased to inform you that on January 20, 2005, the Nebraska Game and Parks Commission approved the grant application from the Village of Waterloo for funding through the Trails Development Assistance Fund. According to the provisions of this program, the Village of Waterloo will receive up to \$20,000.00, which represents 50% of \$40,000.00 of the project costs.

At this point we are forwarding the necessary information to the Nebraska State Historical Society for review and determination, in accordance with Section 106 of the National Historic Preservation Act of 1966. After receiving the necessary documentation from the State Historical Society, we will be able to execute an agreement with you for your project. It is very important not to move forward with your project until the agreement is signed between you and the Nebraska Game and Parks Commission.

On behalf of the Nebraska Game and Parks Commission, I want to congratulate you for receiving grant funds to assist your community in building a great trail system. You are encouraged to call me at (402) 471-5424 or email me at nbedlan@ngpc.state.ne.us if you have any questions about the process of administering the TDA grant or any other information regarding the Nebraska Game and Parks Commission. I look forward to working with you on this project.

Sincerely,

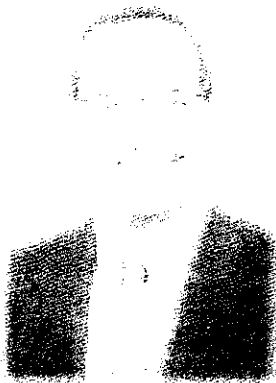
Neal J. Bedlan
Federal Aid Administrator

Rehabilitation of Aging Watershed Dams

The 21st Century Challenge for Watershed Project Sponsors



Many watershed dams, like Martinez Creek Dam No. 5, Bexar County, Texas, are in a far different setting than when they were constructed. Most dams were built for flood protection of rural agricultural land and now some have homes, businesses and highways that have been built downstream. A growing number of dams built in the 1950s and '60s are also nearing the end of their designed lifespan and need rehabilitation to remain safe.



Larry Caldwell
National Program Leader
for Watershed Rehabilitation
with the USDA Natural Resources
Conservation Service
Tel: 405/742-1254
Larry.Caldwell@ok.usda.gov

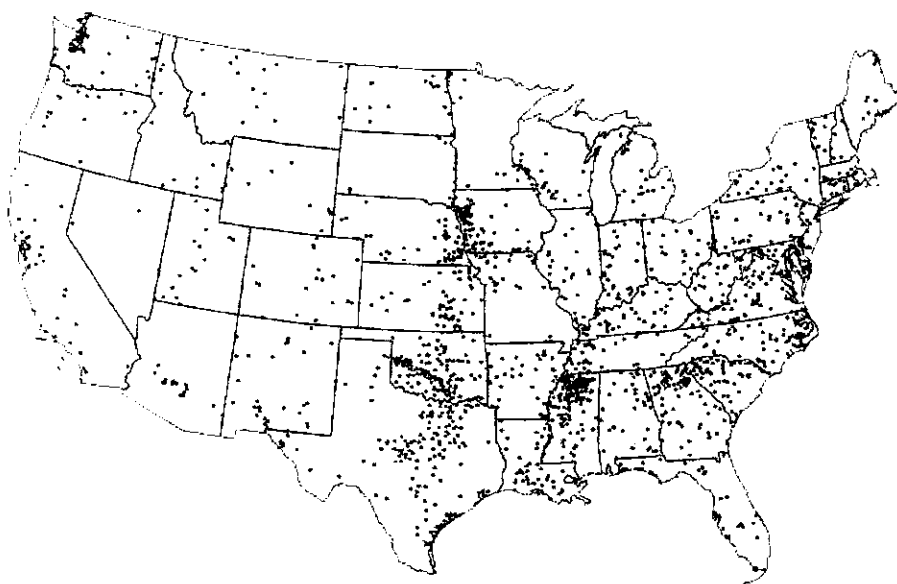
Watershed project sponsors spent the second half of the 20th century constructing dams and applying conservation practices to protect people and reduce flooding and erosion. Today, they are challenged to assure these aging dams continue to function effectively while protecting public health and safety through the 21st century.

Congress authorized the USDA Natural Resources Conservation Service (NRCS) to assist communities

in rehabilitating their aging watershed dams when it enacted the Watershed Rehabilitation Amendments of 2000. Considerable progress has been made in implementing this new authority. This is a result of the initiative of watershed project sponsors and the excellent partnership between the sponsors, community leaders, NRCS, state conservation agencies, and state dam safety agencies. As of March 2004, 118 watershed rehabilitation projects have been initiated in 20 states.

Watershed rehabilitation efforts

Rehabilitation of Aging Watershed Dams



Eleven thousand watershed dams have been built in 2,000 watershed projects in 47 states since 1948.

will not only ensure that watershed dams are safe and protect people in the community, but that they will continue to provide flood control, recreation, and wildlife habitat for another 50 to 100 years.

This report provides background on watershed rehabilitation, summarizes progress on projects funded to date, estimates the number of requests for assistance in the future and shares lessons learned on completed projects.

Watershed Rehabilitation Background

Congress established USDA's watershed program by enacting the Flood Control Act of 1944 (Public Law 78-534) and the Watershed Protection and Flood Prevention Act of 1954 (Public Law 83-566). The 1944 Act authorized watershed projects in eleven watersheds in twelve states. Congress recognized the success of these projects and passed the 1954 Act expanding the program nationwide.

Communities with watershed projects have enjoyed a 50-year tradition of

protecting lives and property and conserving natural resources. Over 11,000 dams and associated conservation practices have been constructed in 2,000 watershed projects in 47 states since 1948. These watershed projects provide an estimated \$1.7 billion in annual benefits in reduced flooding and erosion damages, recreation, water supplies, wetlands, and wildlife habitat.

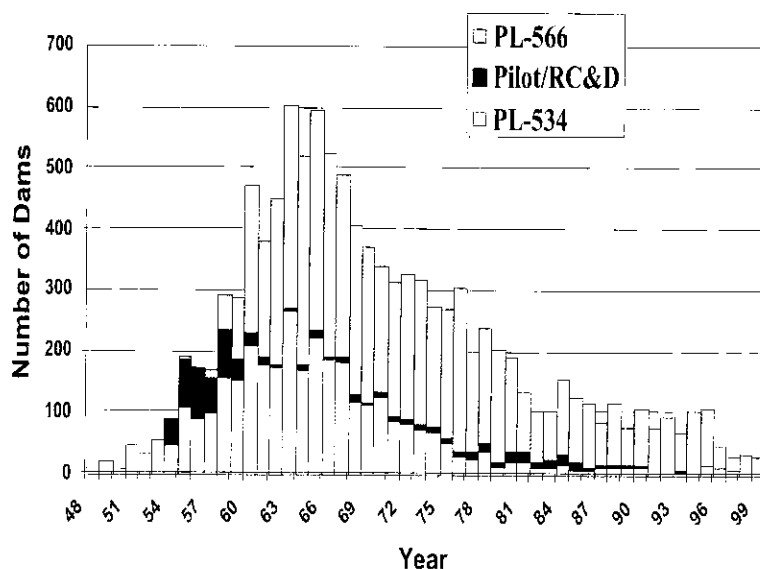
By the end of the 20th century hundreds of dams had reached or were approaching the end of their designed life span and needed to be rehabilitated to be safe, meet current dam safety criteria, and continue to function as designed. Local

project sponsors, often conservation districts, municipalities, and counties, are now facing the need for federal technical and financial assistance to rehabilitate the dams. Many sponsors do not have the resources to take on such projects without assistance.

Time Has Taken its Toll on Aging Dams

Most of the watershed dams were constructed with a designed or expected life span of 50 years. The first watershed dam built in the nation, Cloud Creek Watershed Dam Number One, near Cordell, Oklahoma, turned 50 years old in July 1998. In 2004 there will be 267 dams that will be 50 years or older. By the year 2008 this number will reach 1,100 and by 2014 it will exceed 3,000 dams.

(continued on next page)



Most watershed dams were designed for a 50 year life span and some have already reached or exceeded that time. This chart shows the number of dams built each year and provides an indication of future rehabilitation workload.

Rehabilitation of Aging Watershed Dams

Project sponsors have done a good job maintaining their dams and most will continue to function as designed for many more years. However, some dams pose a threat to public health and safety if they should fail, especially to those who live or work downstream, or those who use the reservoirs as a source of drinking water. Some dams also have the potential for creating adverse environmental impacts in the same downstream flood plain they have been protecting.

Many watershed dams are in a far different setting than when they were constructed. Population has grown, residential and commercial development has occurred both upstream and downstream from dams, and changing land uses have altered the hydrology of watersheds. Deteriorating concrete and metal components in inlet towers and principal spillway pipes, and sediment-filled reservoirs have become a serious concern for project sponsors and dam safety officials. Many of the dams do not meet current state dam safety regulations that have been enacted or revised with more stringent requirements than when the dams were built. Watershed dams were often constructed to protect rural agricultural land using low-hazard class design criteria. Some have been reclassified as high hazard dams because of downstream development and the potential for loss of life if the dams should fail.

A 2001 survey concluded that over 1,400 watershed dams were in need of rehabilitation. These dams protect over

400,000 people and \$3 billion of property and infrastructure downstream from the dams while providing \$150 million in flood reduction benefits each year.

Congress Acts to Ensure Dams Remain Safe

The USDA Watershed Program authorized NRCS to provide technical and financial assistance for the original construction of the dams, but not for future rehabilitation of the dams. This left watershed sponsors without federal help as the dams began reaching the end of their designed life.

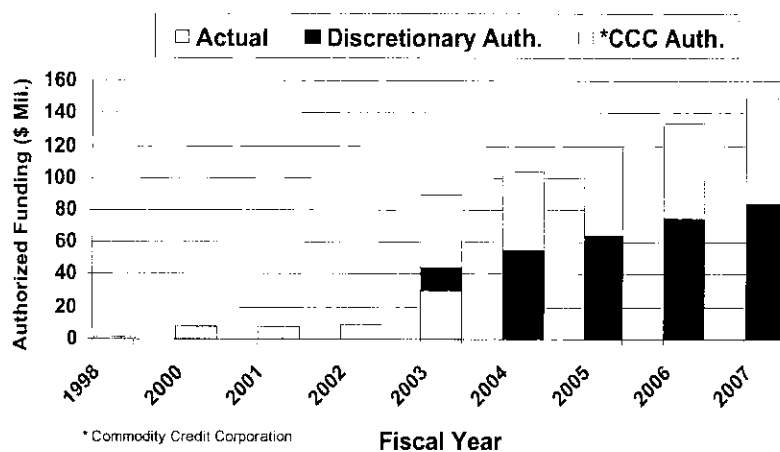
Rehabilitation became more feasible for sponsors when Congress passed the Watershed Rehabilitation Amendments of 2000, amending the Watershed Protection and Flood Prevention Act (Public Law 83-566). Only dams originally constructed with assistance from the following programs are eligible for assistance under this act: PL 534, PL 566, Pilot Watershed Program, and Resource

Conservation and Development (RC&D) Program. The amended Act authorizes NRCS to provide technical assistance and 65 percent cost-share funds for rehabilitation projects. The 2002 Farm Bill amended the 2000 Act to authorize \$600 million in funding for rehabilitation for years 2003 to 2007.

Common Watershed Rehabilitation Alternatives

According to the statute, all watershed rehabilitation projects must extend the service life of the dam and meet all current safety and performance standards. The following alternatives must be evaluated during the development of watershed rehabilitation plans: 1) no action (continue with current situation), 2) rehabilitation of the dam, and 3) decommissioning (removal) of the dam. All rehabilitation alternatives must include meeting all current NRCS and state dam safety criteria. In some cases, flood proofing or relocation of at-risk homes may be considered. If at-risk homes are relocated and the rehabilitat-

Authorized and Appropriated Funding for Watershed Rehabilitation



This chart summarizes the actual appropriation to date for watershed rehabilitation and the authorized funding through fiscal year 2007. Prior to 2002, the funds were made available through special appropriation for pilot projects. Fiscal year 2002 was the first year funds were appropriated using the Watershed Rehabilitation Authorization.

Rehabilitation of Aging Watershed Dams

**Status of Watershed Rehabilitation Projects
March 2004**

State	No. of Dams	In Planning	*Plan Implem.	Dam Rehab. Complete
AR	6	6		
AZ	1	1		
GA	5	2	2	1
IA	4	1	3	
KS	1	1		
MO	1		1	
MS	18	6	5	7
MT	1	1		
ND	1	1		
NE	5	4	1	
NM	10	6	3	1
NY	3	3		
OH	8	1	3	4
OK	24	13	7	4
PA	1	1		
TN	1		1	
TX	12	7	4	1
VA	3	2	1	
WI	11		5	6
WV	2	2		
Total	118	58	36	24

*Plan authorized: plan is being implemented (design and construction)

ed dam is designed to low hazard criteria, the sponsors must ensure there are enforceable controls on future development in the breach and inundation area to assure the hazard classification will not increase in the future.

Like all watershed projects, watershed rehabilitation plans must be developed in compliance with the National Environmental Policy Act (NEPA), Economic and Environmental Principles and Guidelines, the National Historic Preservation Act and the Endangered Species Act.

Status of Watershed Rehabilitation Projects

Sponsors requested \$49 million for watershed rehabilitation funds for 131 dam projects and 256 dam assessments in 23 states for fiscal year 2004. The requests included initiating 74 new dam rehabilitation projects. All requests for assistance were ranked according to a process that evaluates the present condition of the dam, potential for loss of life if the dam should fail, recommendations from the state dam safety agency, and commitment to timely planning and implementation of the project.

In order to be eligible for watershed rehabilitation funds, project sponsors must submit a request for federal assistance, provide assurance that they can provide their 35 percent of the total dam rehabilitation costs, provide documentation that the operation and

maintenance on the dam is current and certify that they will obtain necessary permits and updated easements.

The FY 2004 appropriations bill included \$29,629,000 for watershed rehabilitation. This allowed the funding for planning and design of 77 dam rehabilitation projects in 19 states (including 20 new projects in 7 states). Funds were also provided for construction and implementation of rehabilitation plans on 20 dams. Assessments of 256 dams in 37 states were also funded. Funds were not available to address 54 requests for new watershed rehabilitation projects.

In 2004 there are 118 dam rehabilitation projects in 20 states in various stages of completion. Thirty-five of

these are pilot projects funded through special appropriations in 2001 and 2002; the remainder was funded through the Watershed Rehabilitation Amendments of 2000. As of March 2004, 24 of the dam rehabilitation projects have been completed, 36 have been authorized and are being implemented (designed or being constructed), and

the remaining 58 projects are in the planning phase.

Projected Requests for Assistance: Fiscal Years 2004-2009

In 2003, NRCS staff members estimated the number of project sponsor requests for watershed rehabilitation assistance from 2004 to 2009. Based upon the results of this survey, the following is the anticipated watershed rehabilitation workload in the next six years:

- Assessment of 1,500 dams to determine their condition and the need for rehabilitation.
- Processing and ranking of 900 sponsor applications for federal assistance.

(continued on next page)

Rehabilitation of Aging Watershed Dams

- Development of 700 rehabilitation plans and associated environmental review documents.
- Completion of 600 designs for implementation of rehabilitation project plans.
- Completion of 450 dam rehabilitation projects.

The estimated cost for this watershed rehabilitation work is \$565 million over this six-year period.

Observations of Active Watershed Rehabilitation Projects

While working with watershed project sponsors and community residents on watershed rehabilitation projects during the past five years, several observations have been made that are quite common across the country.

- Community residents who were involved in the planning and implementation of the original watershed project are still very much aware of the need for the watershed projects. They can describe the devastation caused by the frequent flooding prior to the project in vivid detail. There is considerable passion in their voices as they describe the need to rehabilitate the dams so they can continue to protect their community in the future.
- Younger community residents or those who have moved into the community since the watershed project was installed do not have an appreciation for the dams, nor do they have the concern for the

need to rehabilitate them. Many are not aware that watershed dams even exist, let alone the impact they have on their daily lives. These dams are “the silent protectors” of rural America.

- Many community residents do not realize that watershed dams (like other public infrastructure) eventually need attention, rehabilitation, or replacement when they near the end of its design life.
- Many project sponsors are not familiar with watershed planning and implementation since they have only been involved with operation and maintenance of completed projects.

Lessons Learned

The planning, design, and implementation process of the 118 on-going dam rehabilitation projects has provided a learning experience for watershed sponsors, community leaders, NRCS, and state dam safety agencies. Some of the lessons learned through this experience include the following:

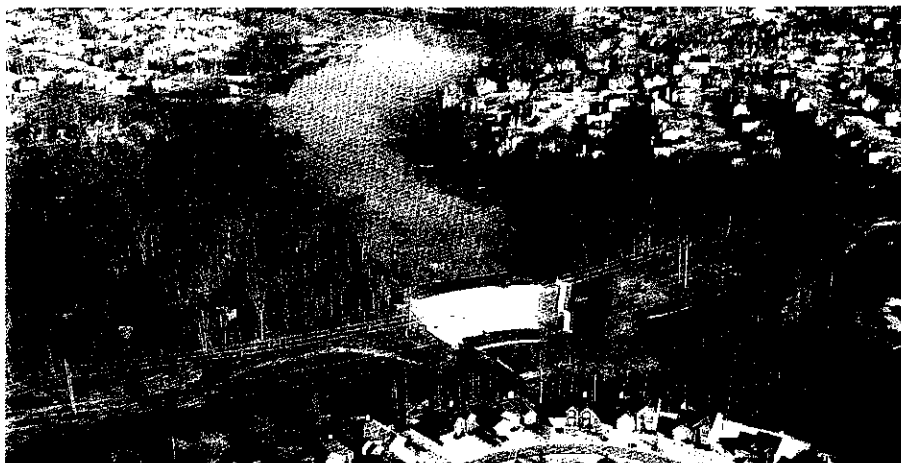
- Planning of the watershed rehabilitation project should address all natural resource needs within the watershed.
- The original project planning and design information is often unavailable or sometimes inaccurate.
- Public scoping meetings should be held as soon as possible in the planning process to inform land users of the project opportunities, gather information, and solicit local concerns, interests, and needs.

- Extensive data collection is necessary for planning and design of watershed rehabilitation alternatives (i.e. topographic surveys, sediment surveys and analysis, geologic investigations, land use conditions, and hydrologic and hydraulic evaluations).
- Obtaining land rights can involve a lengthy process for sponsors. Landowners should be included early in the project planning process.
- New technology offers many opportunities for rehabilitation planning and design such as:
 - Inspecting principal spillway pipes with remote cameras
 - Conducting sediment surveys with sonar equipment
 - Sampling submerged sediment in reservoirs
 - Using electronic data collection equipment
 - Evaluating integrity of auxiliary spillways
- Watershed rehabilitation requires a more experienced and specialized staff than is needed for planning and implementing new projects. Rehabilitating an existing dam is more difficult than planning and designing a new dam; much like remodeling a house.
- Just like the original watershed projects, each rehabilitation plan and design is unique.
- Open communication, education, and coordination between local project sponsors, planners, and designers is essential.
- Obtaining the 35% local cost-

Rehabilitation of Aging Watershed Dams

share can be challenging for project sponsors. At a time when most state and local budgets are extremely tight, obtaining additional funding for a "new program" is difficult. Sponsors have used a variety of ways to provide their share of the funding including: sale of bonds, appropriations from state or county budgets, state park division funds, use of municipal, county, or special district taxing authority, and use of in-kind technical services.

- Many dams were originally constructed in predominantly rural areas that are now surrounded by residential areas including very expensive homes. This results in many social challenges with implementation of the projects including:
 - Limited physical area for construction because of surrounding development.
 - Dust, noise, and safety concerns with heavy equipment (earth-moving, concrete operations, etc.) working close to homes.
 - Heavy truck traffic for delivery of materials in residential areas resulting in complaints concerning noise, safety, and damage to streets.
 - Houses located close to easement boundaries that restrict rehabilitation alternatives (i.e. can't raise the top of the dam to provide additional hydraulic capacity or raise the pool to provide additional sediment storage).



Yellow River Dam No. 14 Gwinnett County, Georgia, was built in 1968 as a significant hazard dam under the Resources Conservation and Development Program (RC&D). Since 1968 the population of the county has increased from 73,000 to 625,000 and urban development has occurred both upstream and downstream from this dam.

Keeping Watershed Dams Safe and Maintaining Their Benefits

The concern for the safety and health of citizens in watersheds with aging dams was the driving force in the development of a rehabilitation program. While there have not been any failures of watershed dams that have resulted in loss of life or property damage to date, there are growing concerns about the potential for failures of these aging dams in the future.

The 50th anniversary of the construction of the first watershed dam in 1998 brought attention to the fact that many watershed dams will soon reach the end of their planned life span. This began a discussion and a movement to establish the rehabilitation program. Watershed project sponsors, NRCS, Congress, federal and state agencies, state dam safety agencies, the National Watershed Coalition, the Association of State Dam Safety Officials, the National Association of Conservation Districts, and others worked together to establish the rehabilitation program that is now in progress across the country.

When flooding was a major problem in the 1940s, local citizens, Congress, and government entities came together to develop and implement the watershed program. Today they have come together again to develop a watershed rehabilitation program that will extend the benefits of the dams for another 50 to 100 years. While the emphasis of the original watershed projects was on flood control, people soon realized their many positive public health and safety impacts as well as the many additional benefits they provide such as recreation, water supplies, fish and wildlife habitat, irrigation, and fire protection. These benefits make the dams an even more important part of an infrastructure that improves the quality of life and provides even more reasons to ensure the dams remain safe and protect the landscape.

Additional information about watershed rehabilitation is available on the NRCS website: www.nrcs.usda.gov. Click on "Programs" and then on "Watershed Rehabilitation."

Supervisors turn down four of five wells requested by NRD

By Kris Byars
Staff Reporter

WAHOO - In addition to appointing a new Saunders County Treasurer, the Saunders County Board of Supervisors also made some decisions last week regarding several items sent to it from the Saunders County Planning Commission.

At their Dec. 14 meeting, the Supervisors decided not to follow the Commission's recommendation to approve a permit application made by the Lower Platte Natural Resources District (NRD) for a series of test wells.

The Planners' recommendation placed the stipulation that the wells would only be used for water quality testing for one year, after which it would be reviewed once again by the Commission.

The NRD would have been installing four of the five wells on behalf of the Metropolitan Utilities District (MUD). The remaining well would belong to the NRD. All of the monitoring wells would have been located between Ashland and Yutan in the Marble, Union and Clear Creek Precincts.

NRD Director John Miyoshi said that all five of the wells would be used to plug some holes in the monitoring grid that currently exists throughout the well field area.

However, District 1 Supervisor Dean Busing of Ashland said while he was not opposed to the NRD's well, he thought MUD should come and apply for its own permit.

"I am inherently distrustful of MUD over the enormous amount of broken promises and a lack of information," said Busing. "They're just late on so many things already."

Supervisor Chairman Kenneth Kunch, meanwhile, said he was concerned about the liability that the County might have if someone were to hit one of the wells. All of the proposed wells would have been located in the County's right of way.

After the discussion, Busing moved to issue a permit for the proposed NRD well, but to deny

"I am inherently distrustful of MUD over the enormous amount of broken promises and a lack of information."

— Dean Busing,
District 1, Saunders County
Board of Supervisors

the other four. Supervisor Joan Moore of District 6 seconded the motion. Five of the Supervisors voted in favor of it, with Sukstorf voting 'no' and Supervisor Doris Karloff abstaining.

In other business, the Board agreed with the Planning Commission and voted to turn down a request made by Brian Ligon to operate a paintball recreation facility on his property located about five miles west of Le-shara, due to concerns from the neighbors.

The Supervisors set public hearings for a change of zone and both a preliminary and secondary subdivision plat. They also approved an application to build two fishing ponds on a property located in the Clear Creek Precinct and another application to keep up to five horses on a property located in the Clear Creek Precinct.

The Board agreed to extend an interlocal agreement that the County has had with the City of Fremont for the last 10 years. The City's jurisdiction overlaps the board between Saunders and Dodge Counties. People living in the effected area are subject to Fremont's zoning requirements but must apply to the Saunders County office for their permits. Buildings are also inspecting through Saunders County's Planning and Zoning.

While the rest of the Supervisors approved the extension once Supervisor Dick Jurgens of District 3 moved for it, Supervisors Scott Sukstorf of District 4 voted against it. He said that it was confusing and added he thought that Saunders County

should handle everything. With the way things are now, he said that two houses sitting right next to each other could be subject to different laws.

During Equalization, the Board voted to grant the NRD an exception on the number of days within which they had to appeal notices of taxable status sent to them by the County Assessor's office. Normally, appeals have to be made within 30 day.

Busing moved that they grant the exception since the removal of the houses upon which the NRD would have been taxed were to help them move forward on their Clear Creek project. He said it was designed to benefit Saunders County, so the exception was warranted.

Saunders County Youth Services Director Pam Lausterer appeared before the Board to give them her quarterly report. She told then funding for the AIM after school program would run out at the end of the month and they were currently in the process of looking at other ways to fund it. The original grant was made through the Nebraska Crime Commission.

The Board sanctioned 12 legal holidays that the County will be observing during the 2005 calendar year. References to following the state's sanctioned holidays were removed from the document, since this caused some confusion over holidays declared by the governor and president last year.

The Board approved a \$3,000 cash advance for the County's postal account. Saunders County Clerk Patti Lindgren said she had requested the advance because the Saunders County Treasurer's office used the County's postage machine to mail all of its tax statements. She was concerned that the account would become depleted and asked for the cash advance so there would be enough funds left for the other offices' postage needs.

The Board approved the acceptance of a service agreement with Alltel for some of the equipment associated with the County's 911 system.

Nebraskans drilling new wells

Officials cite drought and moratorium as reasons behind the steady increase.

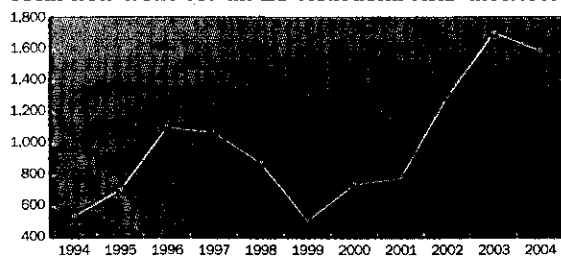
BY ART HOVEY
Lincoln Journal Star

The Nebraska Department of Natural Resources added almost 1,600 new irrigation wells to its records in 2004.

That's the third straight year the statewide total of new wells topped 1,000.

Natural Resources Director Roger Patterson, whose department has the authority to declare the state's river basins fully appropriated or overappropriated, said "extended drought" is only part of the reason for an energetic well-

Total new wells for all 23 Nebraska NRD districts



Source: Department of Water Resources

D. MATT VAN DRIEST/Lincoln Journal Star

drilling picture.

"The other thing is we have moratoriums going in certain parts of the state," Patterson said. "And any time there is anticipation of that happening, a lot of folks think if

they're ever going to drill a well, now's the time."

A brisk pace in well drilling could easily mean that heavily irrigated areas will arrive at the point of full appropriation of water much

quicker.

The number of new wells in 2004 was three times the annual number of new wells added to the state inventory as recently as 1999.

Even as those numbers surged past 1,000 in 2002, 2003 and 2004, moratoriums took effect in some or all parts of eight of the state's 23 natural resources districts.

But so far, the pace of drilling outside moratorium areas appears to be much more than a match for the drilling restrictions that accompany concerns about diminished supplies of ground and surface water in Nebraska and adjoining states.

In fact, the number of new well registrations in the last three years accounts for more than 44 percent of the overall total for the last 10 years.

The department has already wielded its appropriation hammer

in areas along the Platte River west of Grand Island and along the Republican River near the Kansas border. The no-drilling dimensions could get bigger before an inventory of other river basins in the state is finished in January 2006.

But Patterson is trying to ease concerns about the tone of future announcements from his office.

"We're hoping in the rest of the state that we can methodically do annual evaluations and we can let people know where they are before they get overcommitted," he said.

The prime corn-growing territory of the York-based Upper Big Blue Natural Resources District has the most irrigated acres of any NRD and the second-highest number of wells.

Rod DeBuhr, the NRD's water department manager, said most of

See WELLS, Page 2A

New well registrations 1995-2004

Drought and concerns about irrigation restrictions produced a third straight year of well-drilling frenzy in Nebraska in 2004.

NRD	2002	2003	2004	Percent of 10-year total
Central Platte (Grand Island)	190	284	205	51.2
Lower Loup (Ord)	114	221	160	45.3
Upper Big Blue (York)	90	172	175	43.1
Twin Platte (North Platte)	76	123	147	55.4
Little Blue (Davenport)	56	105	100	36.9
Upper Elkhorn (Norfolk)	41	71	83	42.3

Source: Department of Water Resources

D. MATT VAN DRIEST/Lincoln Journal Star

Wells

Continued from Page 1A

the more than 400 new wells added in the past three years there reflect drought. In tightening its irrigation rules, the Upper Big Blue's board of directors has steered clear of a moratorium.

"They're not in favor of having haves and have-nots," DeBuhr said.

The Upper Big Blue strategy for water conservation puts the emphasis on possible allocation of water to all irrigation users if water levels continue to fall there.

However, DeBuhr does not rule out that some recent drilling happened because of concern about future water availability. "If I had some dryland ground and I had the financial wherewithal to do it, why wouldn't I want to get my piece of the pie, so to speak?"

As owner of the Henderson Irrigation Co. in Henderson, Steve Buller said the increasing size of farms is also a factor for customers who turn to him for a new well.

That well is often part of a conversion from a more labor-intensive irrigation system that delivers water through ground-level, gravity-flow pipes from the end of the field to one that serves crops through a center-pivot from the middle of the field.

"With bigger farmers, you're more encouraged to save labor," Buller said, "which often means putting a center-pivot system in."

Buller, also a member of the Upper Big Blue board of directors, tries not to take anything for granted as he witnesses a new era of state water regulation.

"There's going to come a time," he said, "when the state is going to say 'We've got to be fair to everybody. And if we're shutting off drilling in this area, we have to do it for everybody, whether they have a problem or not.'"

Even though the Upper Big Blue is focused on allocation, "I also know that, on Jan. 1, 2006, Roger Patterson could declare our district overappropriated," he said.

Reach Art Hovey at (402) 523-4949 or ahovey@alltel.net.

Fortenberry assignment gives Nebraska another ag position

1-12-05
BY DON WALTON
Lincoln Journal Star

Nebraska has been accorded a second seat on the House Agriculture Committee a week before Gov. Mike Johanns is expected to take the reins as U.S. secretary of agriculture.

Freshman Rep. Jeff Fortenberry will join three-term Rep. Tom Osborne on the committee, giving the 1st District an agriculture seat for the first time since 1978.

Fortenberry said Tuesday he also has been assigned to the International Relations Committee, where former Rep. Doug Bereuter rose to a leadership position during his 26 years in the House.

The newly elected Republican congressman will also serve on the Small Business Committee.

"I feel like I hit a triple, maybe even a home run," Fortenberry said.

Those committee assignments provide "a tremendous opportunity to promote the priorities of the 1st District," he said, as well as participate in the significant issues of



FORTENBERRY

foreign policy. With Johanns expected to receive Senate confirmation as head of the U.S. Department of Agriculture as early as Jan. 20, Nebraska will be uniquely positioned with two members of the House Agriculture Committee and Democratic Sen. Ben Nelson holding a seat on the Senate Agriculture Committee.

"It creates a very interesting dynamic," Fortenberry said. "It strengthens our position as a state to provide leadership essential to the well-being of all of Nebraska."

The substantial Nebraska presence coincides with the early stages of preparing the way for a new farm plan that will be written in 2007.

Osborne predicts "quite a push toward conservation payments as

opposed to commodity supports."

Fortenberry said his ag assignment is a great match for the state.

"Agriculture is essential to our economic and social well-being," he said. "Strengthening our rural communities and growing opportunities for family farms are priorities for me."

Fortenberry said his International Relations assignment will give him an opportunity to work on trade issues important to the state.

Charles Thone was the last 1st District congressman to hold a seat on the Agriculture Committee. He served on the committee from 1973 to 1979.

New committee assignments will be official when formally approved by the House later this month.

Reach Don Walton at 473-7248 or dwalton@journalstar.com.

Bill would let cities, villages combine

■ The legislation's sponsor says the measure is not intended as a way to fight annexation.

By JOSEPH MORTON

WORLD-HERALD STAFF WRITER

If Elkhorn, Valley and Waterloo consolidated, they would have a combined population of 10,000, enough to block annexation by Omaha.

A bill that would pave the way for that consolidation was introduced Friday by Sen. Dwite Pedersen of Elkhorn and five other senators.

It would allow first-class cities in Nebraska — those with between 5,000 and 100,000 people — to consolidate with adjoining second-class cities and villages, both of which have fewer than 5,000 people.

Such consolidation would require approval from both the local governments as well as the voters in each town, according to Legislative Bill 518.

Pedersen said the bill would allow Elkhorn to consolidate with Waterloo and Valley.

But he said the intent is to help small communities band together, consolidate services and protect those services from any deterioration that might come with city-county mergers.

"The bill was not set up to fight annexation in any way, shape or form," Pedersen said.

He said the bill was drafted by the mayors of the western Douglas County towns. They asked him to introduce it and he agreed, Pedersen said.

Mayor Mike Fahey has said Omaha will annex Elkhorn before the town reaches 10,000 residents.

Fahey chief of staff Paul Landow said Friday it wasn't immediately clear what Pedersen's bill would mean in terms of annexation, but he said the mayor will track any legislation on the issue.

"The mayor will monitor developments with an eye toward the best interests of his constituents," Landow said.

Asked if the bill was a way to avoid annexation by Omaha, Elkhorn Mayor Phil Klein responded that he would have to give that some thought.

The Elkhorn City Council was scheduled to talk about the legislation at Tuesday's meeting but delayed the discussion because the bill hadn't been finalized. Elkhorn city officials went to Lincoln Wednesday to meet with Pedersen.

Valley Mayor Mary Caffey said merging with Elkhorn and Waterloo is not on her agenda in the near future.

But she said the legislation is a good idea because it will benefit communities across the state

See Cities: Page 2

Cities: Bill would let communities consolidate

Continued from Page 1
looking at consolidation as a way to provide more efficient services.

Waterloo Village Board Chairman Stan Benke said he would leave it up to the voters to decide whether they want to merge with any other communities.

"Waterloo is just like all the other communities that are striving to keep their identities," Benke said. "A lot of these communities don't want to lose their local control."

The debate over annexation has been heating up. Elkhorn's population is estimated at 8,050. A city can't forcibly annex another city that has more than

10,000 people.

The expanse that once separated Omaha and Elkhorn also is quickly narrowing.

Friday, the Omaha Planning Board endorsed plans for Omaha's part of the Elk Ridge project northwest of 192nd and Dodge.

The subdivision would have houses and a retirement com-

munity on Elkhorn's side, offices on Omaha's side and a new lake along the boundary, which lies beyond official city limits.

The Elkhorn City Council approved preliminary plans this week.

World-Herald staff writers Jeffrey Robb and Chris Olson contributed to this report.

Senator has vision of Omaha-Lincoln metro area

By MARTHA STODDARD
WORLD-HERALD BUREAU

LINCOLN — The Nebraska Legislature would endorse efforts to develop an Omaha-Lincoln corridor along the lines of the Dallas-Fort Worth area in Texas or North Carolina's Research Triangle under a bill introduced Friday.

Sponsored by State Sen. Pam Brown of Omaha, Legislative Bill 546 would create a Ne-

An innovation zone commission would push economic development.

braska Innovation Zone Commission to promote cooperation and development in the corridor stretching from the state's largest city to its capital.

Brown said creation of the commission could help the Omaha-Lincoln corridor gain

status as a single metropolitan statistical area. That combined area would have a population of more than 1 million people, * enough to catch the eye of businesses that might otherwise overlook Nebraska.

The bill calls for a 15-member commission that would focus on needs and possibilities in the area, search for regional solutions to problems and foster multicounty approaches to economic development.

The commission would have representation from the two main cities, five counties, two natural resources districts and the public educational institutions in the corridor.

Brown said other regions of Nebraska could follow the same "opportunity zone" model for their own development efforts.

She also made a point of collecting co-sponsors for the bill from parts of the state beyond the Omaha-Lincoln corridor.

Donors help Rotary reach trail-markers goal

1-17-05

By JULIA McCORD

WORLD-HERALD STAFF WRITER

Thanks to two private donors, Omaha Rotary clubs have raised enough money to install markers on 85 miles of local recreational trails.

Project Chairman Brett Wawers said the clubs raised \$119,596, University Medical Associates contributed \$12,500 and the Peter Kiewit Foundation

pledged \$35,000 for a total of \$167,096.

Wawers said about 70 percent of the 850 markers have been installed. The clubs hope to finish up by Feb. 23, which is the centennial of Rotary International.

Weatherproof 5-inch markers are embedded into the trail surfaces every one-tenth of a mile. Larger markers, which are 8 inches in diameter, are also installed every mile.

The markers include the trail name and "milepost." The mile numbers are incorporated into the 911 system so emergency responders can pinpoint the location of any emergency or accident.

The metro-area clubs decided on the marker project after Rotary International challenged member clubs to come up with a community service project for the 2005 centennial.

The original project called for 1,250 markers on 125 miles of trails in Douglas, Sarpy and Pottawattamie Counties at a cost of \$300,000.

That got scaled back to 85 miles in Douglas and Sarpy Counties and a \$167,000 goal after the Council Bluffs Rotary clubs dropped out of the project.

Wawers said the Council Bluffs Rotary clubs will start their own trail marker fund-raising campaign soon.

OMAHA DAILY HERALD FOUNDED 1865
 OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885
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DEANNA J. SANDS, *Managing Editor* GEITNER SIMMONS, *Deputy Editorial Page Editor*

Elkhorn and Omaha

A spontaneous campaign has begun for the purpose of imposing an ancient fairy tale on the relationship, present and future, between the Cities of Omaha and Elkhorn.

It's a tale with the drama of "The Lord of the Rings," featuring heroes and peaceful villagers united against a hideous oppressor. Similar tales have been called into play many times over the ages to serve the cause of hamlets and burghs that, through no fault of their own, fall within the orbit of a larger neighbor.

Thus the notion, already being spread in letters to the editor and elsewhere, that any interest by Omaha in the annexation of Elkhorn has got to be fueled by ill will — or, at best, by a greedy perception that Elkhorn's tax base can somehow be put to the political or economic advantage of Omaha politicians.

One critic of annexation labeled it a false premise that Elkhorn taxpayers would pay less if annexed — a premise we doubt any serious proponent of annexation would present.

Others have said there's no reason to annex because Elkhorn already has satisfactory municipal services — again, an answer to an argument that has not been put forth.

Still another voice of opposition, apparently postulating that Omaha, by annexing Elkhorn, would be seeking room to grow, points out that, because the corporate limits of Omaha still encompass many undeveloped areas, it doesn't need more room.

All in all, this discussion shows signs of starting badly, with anger

Annexation talk is natural as region grows. No hurt feelings are necessary.

and resentment potentially taking up the positions where understanding and civility would serve us all much better.

What is occurring now is a logical and inevitable outcome of the growing together of a metropolis and one of its bedroom communities. Such a process raises questions, which reasonable people ought to be able to approach dispassionately, about what, from an area-wide perspective, is the best course.

A bedroom community grows because of its proximity to the metropolis. Yes, it contributes with the workers and shoppers it sends into the city. But if it extends its authority over growth areas that otherwise would have been part of the metropolis itself, the bedroom community saps resources that otherwise would have contributed to the vitality of the broader community.

In extreme instances of this pattern, where the city had no power to annex growth areas on its perimeter, suburbs have the advantages of a growing tax base while the inner city struggles with problems that are unique to an inner city.

These concerns, not any condescension or nefarious plot, underlie any interest in the annexation topic.

Indeed, the impulse to pursue these questions occurs almost as a force of nature in the life of a metropolitan area. It would be irresponsible of Omaha's leadership not to investigate the possibilities.

Thus no good purpose can be served by demonstrations of arrogance or hurt feelings.

1-21-05 W.H.

Plain truth fails to ease Valley flood concerns

By CHRIS OLSON

WORLD-HERALD STAFF WRITER

They came eager and hopeful, but left with what they've always known:

If you live near a river, flooding is likely — and so is the need for flood insurance.

Most of the western Douglas County residents poring over updated flood maps this week hoped they would find their homes were no longer in a flood plain.

"Flood insurance has become so expensive," said Don Spires of Valley, where most homes lie in a flood plain requiring flood insurance.

After a major flood in March 1978, improvements to the 10-mile Union Dike along the Platte River in western Douglas County were completed in 1990.

It was hoped that the nearly \$2 million in improvements would have removed much of the area from the flood plain, but preliminary maps of the area reveal little difference.

The new flood maps, revised after the levee improvements, indicate that the elevations of most of Elkhorn and Bennington remain above the flood plain. Waterloo is surrounded by its own levee that reduces the risk of flooding.

But Valley, with the Platte

River on one side and the Elkhorn River on the other, still lies mostly in a flood plain that requires buildings to be elevated and flood insurance to be carried.

The new maps, based on more sophisticated technology than maps created in the 1970s and early 1980s, are more accurate and indicate the levee improvements were not sufficient to remove Valley from the flood plain, said Steve Oltmans, general manager of the Papio-Missouri River Natural Resources District.

"The only properties likely to be out of the flood plain on the new maps are those that had a mistake on the old maps," Oltmans said.

A study by the Army Corps of Engineers, which did the new maps, indicates that further improvements to the dike are not economically feasible, Oltmans said.

As a result, Valley is focusing on a plan that could reduce the cost of flood plain insurance through the Federal Emergency Management Agency, said Mayor Mary Caffey.

Gale and Phyllis Preble of Valley live in the flood plain, but don't carry flood insurance because their mortgage is paid off.

"Even though we're not required to have flood insurance, we might consider it if we can get it for a low enough price," Gale Preble said.

What tourists are missing

Perhaps some people will figure out what they're missing with the publication of the 2005 Nebraska Travel Guide.

The guide emphasizes the state's natural heritage, the many and varied "ecotourism" opportunities that are too often overlooked.

The most obvious example may be the annual spring crane migration through central Nebraska. The cranes, most of them sandhills, and a variety of other waterfowl pause in huge flocks on stretches of the Platte River, eating and gaining strength for their continued migration north. They also garner thousands of bird-watchers.

But there are far more opportunities to enjoy the state's beauties. If it's birds that tourists are after, they can hardly do better than eagle-watching spots, such as one just below Kingsley Dam and Lake McConaughy, set up by the Central Nebraska Public Power and Irrigation District every winter.

Try canoeing the Niobrara or the Calamus Rivers or rafting the Platte. Or ambling along the walking trail at Scotts Bluff National Monument. Boyer Chute, a natural area on the Missouri River north of Omaha,

**The Sand Hills
in spring, elk,
mountain sheep,
Boyer Chute,
quiet beauty of
the Platte . . .**

is there to canoe or to enjoy on foot.

There are few more beautiful, if subtle, sights than the Sand Hills in spring, when the wildflowers are in bloom.

The trail system — including the Cowboy across a portion of northern Nebraska and the Keystone around Omaha — offers various types of natural appeal at different times of the year.

The state's Travel and Tourism Division is trying to encourage natural excursions by coming up with even more alternatives.

Tom Tabor, hired to bolster ecotourism, is working to publicize the appeal of stargazing in the Sand Hills, where light interference is at a minimum. He's developing a statewide bird-watching trail that might bring additional visits by the out-of-staters who now come once a year to crane-watch.

People who discount Nebraska's natural attractions either don't know what they're talking about or are too impressed by outsized spectacle.

With more vacationers both in the region and across the country interested in nature and wildlife, ecotourism is a growing phenomenon. Nebraska won't be left out.

Decision may bring water law to a boil

*Suit OK'd against
aquifer pumpers*

Ranch's creek ran dry

By DAVID HENDEE

WORLD-HERALD STAFF WRITER

A landmark State Supreme Court ruling is opening the floodgates to eroding Nebraska's long-time legal barriers between water in streams and water that's in aquifers, experts said Friday.

In a decision that will intensify the water-rights debate in Nebraska, the court said a Panhandle ranch can sue irrigators who pump from the ground for taking too much water and drying up a stream.

"We're in the era now of trying to put surface water and groundwater together, and the big issue is where the line will be drawn,"

said David Aiken, a water-law authority at the University of Nebraska-Lincoln.

As drought continues to grip the West, conflicts and lawsuits between water users along the Platte and Republican Rivers

in Nebraska could spread to farmers and communities statewide, Aiken said.

At issue is a lawsuit filed in 2002 by Spear T Ranch near Bridgeport. Rancher Rex Nielsen of Gering said water pumped

from the aquifer caused the creek to be dry most of the year, preventing Spear T from growing hay to feed its cat-

The court program that will protect water users from protection when adversely affected by groundwater pumpers, said attorney LeRoy Sievers of Lincoln. He represented the Nebraska State Irrigators Association in the case.

Both sides in the dispute said the decision contained good news for their irrigators, but that the issue will probably end up back in the high court.

"It's a victory in the sense that we have been given the opportunity to go back to court," said Spear T lawyer Tom Oliver of Bridgeport. "But the burden's on us to show that the interference from groundwater users has been 'direct and substantial.'"

Don Adams, executive direc-
See Water: Page 3

Water: Ruling allows lawsuit

Continued from Page 1

tor of the Lincoln-based Nebraskans First, said it will be tough for surface-water users to prove direct and substantial harm. Nebraskans First represents groundwater irrigators.

"A lot of people will hail this ruling as a big deal. I don't see it that way," Adams said. "This case is limited, and the issue everywhere will be decided on a case-by-case basis."

Tim Anderson, spokesman for Central Nebraska Public Power and Irrigation District in Holdrege, said that although the court set a high standard for proving harm, it affirmed the right of surface-water users to sue groundwater pumpers for damages.

"That's significant," he said.

Anderson said it won't be tough for surface-water users to prove damages, but it will be an expensive process.

Spear T Ranch first obtained surface water rights to Pumpkin Creek in 1954 and argues that it has a vested property interest in water from the stream.

In Friday's ruling, the high court agreed with a lower court that the ranch had not stated a

proper claim in its lawsuit. But the Supreme Court said Morrill County District Judge Paul Empson should have allowed the complaint to be amended.

Water flow in streams and rivers in Nebraska is controlled by the state, which sets water allocations for surface irrigators. Groundwater irrigators are controlled by natural resources districts.

Keith Olsen, president of the Nebraska Farm Bureau, said he hoped irrigators involved in similar disputes use integrated management plans established in the state's new water law to resolve conflicts outside of courts.

Don Blankenau, a Lincoln water lawyer, said a flood of new lawsuits between water users could nibble at management plans created in basins hit by drought.

Aiken said he expects it will take years of legal wrangling to resolve how to handle disputes between surface-water and groundwater irrigators. For example, he expects Central Irrigation to sue over groundwater irrigators' depletion of flows into Lake McConaughy.

State laws are not finely focused on the issue, he said.

W-H 1-26-05

Districts oppose exempting cities

LINCOLN — Cities seeking exemptions from domestic water-well regulations will have to fight their local natural resources districts.

Delegates to the Nebraska Association of Resources Districts' legislative conference voted unanimously Tuesday to oppose Legislative Bill 708.

That bill was drafted on behalf of Sidney and other drought-stricken communities fearful of losing economic development

prospects if they can't guarantee sufficient water to developers.

"The bill would exempt them from all regulations under LB 962" (the state's new water law), said Dean Edson, executive director of the resources districts association.

Cities and resources districts need to work together under the water law, said Steve Oltmans, manager of the Omaha-based Papio-Missouri Natural Resources District. — David Hendee

Law called best bet to avoid water wars

■ A system to balance allocations is better than letting courts decide, legislators say.

1-26-05

By DAVID HENDEE
WORLD-HERALD BUREAU

LINCOLN — Nebraska dodged a potentially budget-busting bullet in a State Supreme Court ruling and now needs to rally behind a fledgling state water law, two officials said Tuesday.

Each said the new law is the best defense against expensive water wars and policy by litigation that have plagued some Western states.

"I had nightmares about this pending decision," Nebraska Department of Natural Resources Director Roger Patterson said of last week's court ruling. The court said a Panhandle rancher can sue irrigators for taking too much water from a stream.

"This Spear T decision ought to be a kick in the rear for us to get going," Patterson said, referring to the lawsuit over loss of water in Pumpkin Creek filed by the Spear T Ranch near Bridgeport.

Patterson and State Sen. Ed Schrock of Elm Creek addressed about 300 people at the Nebraska Association of Resources Districts' annual legislative conference.

"I had six attorneys in my office yesterday, and I still don't know what it means," Schrock, who is chairman of the Legisla-

ture's Natural Resources Commission, said of the Supreme Court decision.

Legislative Bill 962, which became law last year, set up the state's natural resources districts to correct overallocation difficulties created by drought and other problems in Nebraska watersheds.

The districts are required to create and implement management plans to bring the watersheds back into supply-and-demand balance.

Patterson said his nightmare was that the Supreme Court would rule that Nebraska must blend groundwater and surface-water users into one system to determine priority rights to water.

"They did not do that, and to me that is the most important part of this decision," he said.

Patterson said the water law gives the state the authority to solve conflicts between farmers and municipalities that either draw water from streams or from underground.

Schrock said changes in state water policies should come from the Water Policy Task Force that created the law — not from court cases such as the Spear T Ranch issue.

Lake proposed on Middle Loup

■ The project would be geared for tourism rather than for irrigation.

1-27-05
BY PAUL HAMMEL

WORLD-HERALD BUREAU

LINCOLN — A four-mile-long reservoir on the Middle Loup River is being pitched by a group of Mullen, Neb., area residents as a way to lure tourists and new residents to the population-starved Sand Hills.

Although it is only a preliminary idea, the lake could be stocked with trout and include a hydroelectric plant.

It would not involve irrigation and would cost an estimated \$15 million to \$20 million to build.

"It's not really even a project yet. It may never happen," said Hooker County Board member Dan Deibler. "But it would be an ideal situation for rural development."

Several parties that might be involved in such a dam-building project, including local power districts and the Nebraska Game and Parks Commission, have been invited to a presentation on the proposal Feb. 10.

The presentation will be at 7:30 p.m. at Stub's steakhouse in Thedford, Neb., after a meeting

of the Upper Loup Natural Resources District.

The district could become the sponsoring agency for the dam if it were ruled to be feasible and if it garnered local support, said Helen White, general manger of the Thedford-based district.

The Sandhills Resource, Conservation and Development Agency also might assist in some way, said Bob Broweleit, coordinator of that group.

The idea certainly has some promise in addressing the need for economic development in the area, Broweleit said. "If it's feasible; it certainly couldn't hurt."

All officials interviewed said there are unanswered questions about the project, including whether it could sustain a trout fishery, if a state permit could be obtained to impound water and if the site, four miles east of Mullen, would be suitable.

Any water storage project in the Loup River basin probably would draw the attention of Omaha and Lincoln. Both cities have well fields along the Platte River, which gets more than half its water from the Loup basin. White said state and federal money would be used to finance the dam.

"We'll know more about the interest or disinterest and ups and downs of this idea after the meeting on Feb. 10," said Deibler, the County Board member.

Bridge plan \$5.3 million short

The Omaha and Council Bluffs mayors will discuss how to raise the rest of the money needed to build the riverfront span.

By C. David Korok
WORLD-HERALD STAFF WRITER

Mayors Mike Fahey and Tom Hanafan face a \$5.3 million fund-raising task in order to save their plan to link Omaha and Council Bluffs with a curving pedestrian bridge.

Fahey, of Omaha, and Hanafan, of Council Bluffs, agreed Wednesday not to scrap plans

for the pedestrian bridge, which faltered after the first attempt came back with bids nearly double the projected \$22.6 million cost.

The two mayors committed to push forward. On Wednesday, their aides, Iowa and Nebraska roads officials, federal transportation employees and representatives of the Papio-Missouri River Natural Re-

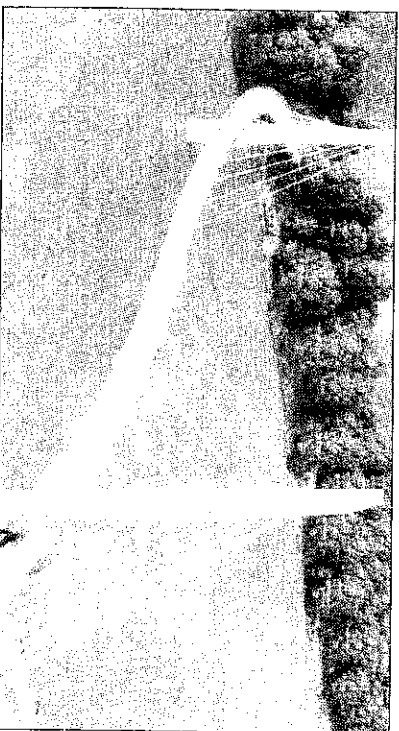
sources District signed off on a new \$28 million design.

Fahey said he plans to talk with Hanafan this week on how they will go about finding the additional money to build the curving Missouri River bridge supported by two gleaming pillars.

In a change from his past statements, Fahey did not rule out using some city tax funds. "My preference is not to do that, but we have to consider the options," Fahey said.

"I'm optimistic private donations can fill the void."

See Bridge: Page 2



An architect's rendering of the proposed \$28 million redesigned pedestrian bridge over the Missouri River between Omaha and Council Bluffs.

Bridge: Private donations to be sought for project

Continued from Page 1

Hanafan wasn't quite as optimistic.

"Is this a doable number? I don't know. We will see what we can do," Hanafan said. "Certainly \$5.3 million is a lot better than \$20 million."

Jennifer Mahlendorf, deputy chief of staff to Fahey, said no solicitations have been made, nor has any determination been made about seeking additional federal funds.

The bridge plans have been five years in the making, since then-Sen. Bob Kerrey, D-Nebr., landed \$19 million in federal funds, matched by \$1.5 million

from each state and \$1 million from the natural resources district.

An additional \$5.3 million is needed to cover the bridge's new \$28 million estimated cost, plus expenses for preliminary planning work.

After the first bids came in at \$45 million, a combination of shock and frustration nearly led to abandonment of the project. Additional paperwork caused an 18-month delay. The best hope is that new bids can go out this fall, Omaha Parks Director Larry Foster said.

If all goes well, he said, the pedestrian link would be open by

fall 2007.

A number of changes were made in the bridge plans while maintaining the basic design.

The plan is for the bridge to rise from a plaza south of the Gallup University campus, span the river in an "S" curve and land in the planned new park along the floodplain on the Iowa side.

The major factor in shaving \$16 million from the previous construction bid is breaking the project into parts and simplifying the engineering and construction plans.

For example, the earth work on each side would be bid separately to attract lower-cost, local firms.

Foster said. Instead of trying to pour the concrete overhead, he said, preformed sections would be used for the bridge platform.

Many techniques in the first design were untested in the Midwest, Foster said, and construction companies were uncomfortable with the cost estimates.

From the beginning, the project has been a cooperative effort between Omaha and Council Bluffs, both sides said.

"We are all comfortable with this," said Gayle Malmquist, Council Bluffs' development services coordinator. "We play good together."

Both sides have a say on proposed reservoir

By DAVID HENDEE

WORLD-HERALD BUREAU

1-27-05

LINCOLN — A proposed recreational reservoir near Leigh in northeast Nebraska would either be an unkept promise or a chance to save water and other natural resources, the State Natural Resources Commission heard Wednesday.

Foes and supporters of the proposed 150-acre reservoir made their final pitches to the commission before it votes in March on whether to provide \$3.5 million for the \$6.5 million project.

The Leigh dam was one of three new recreational reservoirs in eastern Nebraska discussed by the commission and is the farthest along in planning.

"We don't want to be chased off our land," Dorothy Hillen of Leigh told the commission, noting that a similar flood-control project was rejected in 1980 in favor of farmers intensifying their soil and water conservation practices.

Hillen said that for the Lower Elkhorn Natural Resources District to reverse course and now support a dam on the west fork of Maple Creek would be "a promise unkept."

Allan Schroeder, a member of

Nebraska's Natural Resources Commission will vote in March on whether a dam near Leigh should be built.

the Leigh Village Board, said the community about four years ago requested that the NRD look into the feasibility of reviving the dam plan. He said the rain runoff that now escapes downstream could be captured to create a recreational attraction for the town of 440 between Columbus and Norfolk.

The commission also heard for the first time plans for two other recreational reservoirs.

A 237-acre lake on Kezan

Creek near Garrison in Butler County would be created in a \$5.3 million project proposed by the Upper Big Blue Natural Resources District.

X Near Hubbard in Dakota County, a \$7.1 million multipurpose reservoir would be built on Jones Creek in northeast Nebraska, according to the Papio-Missouri River Natural Resources District.

The 200-acre reservoir would be a destination site featuring an equestrian campground and trail, single-track mountain bike trails, boat ramps and other facilities, said Steve Oltmans, manager of the natural resources district.

Both projects plan to seek partial funding from the Nebraska Resources Development Fund managed by the commission.

Rural fires can pose special problems

*Adequate water
supply is at issue*

1-31-85

By MARION RHODES
WORLD-HERALD STAFF WRITER

After attending a recent fire safety discussion for residents in the Northwoods Estates subdivision, Michael Longley bought two new fire extinguishers.

Longley and his wife, Grace, had long felt prepared for a potential fire in their Washington County home. Two fire extinguishers, a collapsible ladder under a children's bedroom window on the second floor, and a hard-wired smoke detector system were available for their protection.

Still, after learning that their subdivision's water system, which is run by the Papio-Missouri River Natural Resources District, doesn't have the capacity to fight a house fire, Longley decided two more extinguishers couldn't hurt.

The situation in Northwoods Estates is similar to many other rural developments in Washington County, said County Planning Director Doug Cook. Most rural developments can't afford central water systems with pipes large enough to provide enough water to extinguish house fires, Cook said.

Concerns about fire protection in Northwoods Estates arose after a fire on Jan. 19 destroyed a nearly finished new home in the subdivision, a prestigious forest acreage eight miles north of downtown Omaha just beyond the Douglas County line.

Several factors slowed firefighters, including a steep, icy driveway that made it difficult for tank trucks to access the site. The biggest problem, however, was a lack of water.

The subdivision's main source of water, a pond, was frozen over. The closest fire hydrant, two miles away on 60th Street and Northern Hills Drive, was out of order, forcing firefighters to
See Water: Page 2

Water: Fighting rural fires can be especially hard

Continued from Page 1

make 10-mile round trips to the next accessible water supply to fill up their tanks.

Before the fire, many residents thought several blue "hydrants" in the neighborhood could be used to fill tank trucks. However, they learned that what looks like fire hydrants are filling stations that provide just enough water flow to flush out the system or to extinguish small fires such as brush fires.

"We had no idea," said Herschel Stoller, an Omaha physician who moved to the development in 1997.

"We all were under the impression that we had adequate fire protection there," Stoller said.

Rural water systems are not built to fight fires, Cook said. They are built to provide water for domestic purposes.

The National Fire Protection Association has issued guidelines for adequate water sup-



REBECCA S. GRATZ/THE WORLD-HERALD

A fire on Jan. 19 destroyed this nearly finished new home in the Northwoods Estates subdivision, a forest acreage eight miles north of downtown Omaha.

plies in suburban and rural areas. But Washington County has not adopted those guidelines and does not require any fire protection provisions for new developments, former Fort Calhoun Fire Chief Mike Smith said.

Cook said local fire departments may offer recommendations, but their implementation is not mandatory.

In Northwoods' case, Smith said, the fire department had recommended larger water mains and fire hydrants. He said that from the departments' view, the existing water supply in Northwoods is inadequate.

Some good news for Northwoods residents: To get county approval for an expansion of the subdivision, developer Curt Hofer agreed to install a rural

fire hydrant in the area, which will be located along Highway 75.

Meanwhile, Northwoods residents learned during a homeowners meeting last week that better fire protection is essentially up to them. Installing in-house sprinkler systems and purchasing a dry hydrant are their best bets, they were told.

Dry hydrants are pipe systems connected to the bottom of a pond that allow firetrucks to pump water regardless of weather. The average cost ranges from \$500 to \$900 and would have to be borne by the homeowners.

"It's definitely a problem, but there's nobody to blame and there's no easy solution," Grace Longley said.

"Part of the reason people live out in Washington County is that they want the rural feel," she said. With rural life, she said, comes giving up the kind of fire protection a city would offer.

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Wells vs. creeks

The Nebraska Supreme Court took an important step with its ruling that Spear T Ranch near Bridgeport, Neb., should be allowed to sue groundwater irrigators for drying up Pumpkin Creek, in which Spear T has a surface water right. The issue now goes back to Morrill County for trial.

The high court observed that the Legislature hasn't developed a water allocation system that "addresses direct conflicts" between the users of hydrologically connected surface water and groundwater. Legislative Bill 962, passed last year, didn't do the job, it said.

Significantly, the court clearly embraced the concept that underground water is inextricably linked to the water that flows in rivers and creeks. Stream flows, regulated by the state, are allocated by seniority rights; groundwater, regulated by the natural resources districts, is governed by a common-law rule of reasonableness and the 1996 Water Management and Protection Act.

Both what the court did and what it did not do are significant. It did not rule that legislatively created surface-water rights could be applied to underground water without considering existing common-law rules. Such a ruling could have shut down the pumps in any area where surface water and groundwater are hydrologically connected.

The court set a high standard for proof that Spear T will be required to produce in order to prevail in a lawsuit. The ranch must show that stream-flow interference from

Nebraska court provides guidance on next steps in managing state's water.

groundwater pumping has been "direct and substantial."

Nevertheless, Tim Anderson, a spokesman for the Central Nebraska Public Power and Irrigation District, judged the standard "easy to meet" in the case of Pumpkin Creek. "A first-year hydrology student could understand" the connection between irrigation wells and depletion of surface water there, he said.

But Anderson, whose district believes Panhandle groundwater wells are affecting water levels downstream in Central's Lake McConaughy, raised the specter of cost. While it shouldn't be difficult to provide proof, he said, it will be expensive.

On the other hand, perhaps the cost of litigation would encourage groundwater irrigators and surface-water users to settle their disagreements before reaching court. Settlements would be a reasonable way to allocate scarce water.

Nebraska lawmakers need to take another look at the state's water laws with an eye toward remedying inadequacies seen by the court. Next year, after the Legislature's water task force has a chance to look at possible changes, clearing up the question of "direct conflicts" between water interests would be in order.

As more western Nebraska streams and rivers are drawn down by drought and irrigation, more disagreements are likely. Regulators and judges unfortunately will have to settle any disputes that water users themselves fail to resolve.

State seeking to prevent fight over new water law

2-3-05

By DAVID HENDEE
WORLD-HERALD BUREAU

LINCOLN — The first potential clash between Nebraska communities and the state's new water law may be avoided if proposed negotiations are successful.

The state's Water Policy Task Force, which helped write the law, may create a committee next month to meet with the League of Nebraska Municipalities.

The talks would seek to address concerns of Sidney and other cities over the availability of water for domestic and industrial uses.

"There's a legitimate issue of concern there ... but to simply exempt them from the process — we can't do that," Roger Patterson, director of the Nebraska Natural Resources Department, said during a meeting of the water task force's executive committee Wednesday.

At issue is Legislative Bill 708, which would exempt cities from regulations on drilling wells under the new water law.

"LB 708 is a pickax," Patterson said. "We don't need to use a pickax to fix this problem."

The bill was drafted on behalf of Sidney and other drought-hit communities in western Nebraska that are fearful of losing economic development prospects if they can't guarantee enough water to prospective companies.

The cities fear that natural resources districts have too much power to stop them from drilling water wells.

The Legislature's Natural Resources Committee plans a Feb. 24 hearing on the bill.

Patterson said the task force would work with the league on shaping subtle changes. The talks would probably push the bill into the 2006 legislative session, Patterson said.

**A task force
opposes changes
that would
exempt cities
from rules on
drilling wells.**