

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: January 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 December, 2004, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. The employees at the Natural Resources Center (including employees from the Papio-Missouri River NRD, Natural Resources Conservation Service, Rural Development, Farm Service Agency, Corps of Engineers and Nebraska Department of Environmental Quality) sponsored a bake sale on December 17, 2004 at the NRC. Due to the wonderful support of the NRC employees, **\$199.65** was donated to the Omaha Food Bank. I would like to thank **Christine Jacobsen** for coordinating this event.
2. Thank you's:
 - ❖ Attached is a letter from Tom Bruggeman, Secretary/Treasurer of the Southeast Nebraska Land Surveyors Association, thanking the District for the use of the Board Room for their October and December seminars. They also included an honorarium to the District, "to help the funding for resources and programs that benefit us all."
 - ❖ Attached is a thank you note from Kristin Crawford, Executive Director of the Nebraska Society of Professional Engineers, for letting the NeSPE Education Foundation volunteers conduct a Phonathon from the NRC. She notes, "The phonathon was very successful and we look forward to launching a second effort in the spring."
 - ❖ Attached is a letter from Larry Dix, Executive Director of the Nebraska Association of County Officials, thanking the GM for participating in the NACO conference December 7-9, 2004 in Lincoln. The GM participated in a discussion relating to relationships and case studies of counties and NRDs.
3. **Tom Pleiss** has been promoted to Lead Groundskeeper at Chalco Hills Recreation Area, effective January 10, 2005. Tom previously served as Groundskeeper at Walnut Creek Rec Area. **Ryan Trapp** has accepted a lateral transfer as Groundskeeper at Walnut Creek Rec Area, effective January 10, 2005. We are currently in the process of filling the Groundskeeper position at Chalco Hills Rec Area.

- 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 December, 2004. 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 December 10, 2004. 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:** The Papio Creek Watershed Partnership has scheduled a series of four Watershed by Design Meetings. The first was held on Wednesday, November 17, 2004. Following is the schedule for the remaining meeting:

Green Watershed – January 20, 2005 at 7:00 p.m. at the NRC

Clean Watershed – February 17, 2005 at 7:00 p.m. at the NRC

Safe Watershed – March 17, 2005 at 7:00 p.m. at the NRC

All Directors are encouraged to attend the upcoming meetings.

F. **WESTERN SARPY/CLEAR CREEK PROJECT UPDATE:**

1. **Status Report:** In response to recent questions from the public, the **Martin Cleveland**, Construction Engineer, contacted the Corps of Engineers to get an update on their work on the project. The current project construction status is as follows:
 - **Island #1 Clearing:** This island is located on the left bank (looking downstream) near the Former Lynam-Richey Sand pit, south of Fairview Road. JC Excavating was awarded the contract in July 2004 and will start work on the island clearing in February 2005. This conservation measure will be completed by April 2005.
 - **Camp Ashland Section of Levee:** The Corps awarded the construction contract for the frontage levee in Sept. 2005. This section of levee improvement starts about 500 ft. upstream of the Burlington Northern Santa Fe Railroad (BNSFRR) embankment and extends to a point immediately upstream of the Camp Ashland buildings. A grade control sill 500 feet wide will be installed at ground level at the location between the BNSFRR embankment and new levee. Cooley Contractors has teamed with Zeiger Construction (Syracuse, NE) to build the Camp Ashland Frontage Levee. Total cost is \$3,100,000 for this project. The contractor is scheduled to start in December 2004, and be completed by end of 2005. Initial work will involve clearing and grubbing of trees, and construction of a water crossing in a Lyman-Richey sand pit for purposes of hauling levee fill material. The frontage levee will not extend upstream to Thomas Lakes, currently, there is no levee in this reach. It is essentially a non-effective reach until such time this levee segment is built.

- Levee Project Design/Specifications: As part of an Omnibus Bill, the Corps Omaha District will receive approximately \$1,000,000 in January 2005 for project work this fiscal year. Several months ago, the Corps had the capability of performing \$6.5 million dollars in work on the project. The Corps will expend a portion of the \$1 million on completing project design by August 2005. The remaining funds will be used to begin construction on the conservation measures (chute construction) on Vencil's Island. Following the design work, the rights-of-way (ROW) maps will be available for the NRDs to complete land acquisition for the levee.
 - Levee Right-of-Way (ROW): The two NRDs plan to start work on ROW acquisition in August 2005 and be completed before Spring 2006.
 - Levee Construction and Completion of Conservation Measures: Major levee construction is anticipated to begin in late 2005 or early 2006, dependent upon future Corps' budget and Congressional Appropriations.
2. Letter to President Bush Requesting FY 2006 Funding: Attached is a copy of a letter to President George Bush signed by Senator Chuck Hagel, Senator Ben Nelson, Congressman Lee Terry and Congressman Tom Osborne requesting that funding for construction of the Western Sarpy/Clear Creek Project, along with the Antelope Creek Flood Damage Reduction Project and the Sand Creek Environmental Restoration Project, be included in the President's fiscal year 2005 budget.

G. NEWS CLIPS:

- ❖ December 1, 2004, Omaha World Herald article – Rural subdivision plan raises growth issues.
- ❖ December 1, 2004, Lincoln Journal Star article – Water task force seeks consensus.
- ❖ December 9, 2004, Omaha World Herald article – Nebraska's new water law doesn't answer every question.
- ❖ December 10, 2004, Omaha World Herald article – 'Welcome' signs not far off. Two agencies will map out a plan for public access to a riverside plant and wildlife habitat near Blair, Neb.
- ❖ December 10, 2004, Scottsbluff Business Farmer article – How NRD's are implementing LB962.
- ❖ December 10, 2004, Blair Pilot Tribune article – County OK's subdivision. Cottonwood Creek will have 104 lots.
- ❖ December 14, 2004, Omaha World Herald article – River ruling goes against environmental organization.
- ❖ December 15, 2004, Blair Pilot Tribune article – City of Blair, NRD plan joint study of California Bend.
- ❖ December 15, 2004, Omaha World Herald article – Trail to link Omaha parks. Project seen as good fit to revitalization of midtown.
- ❖ December 22, 2004, Omaha World Herald article – New incentives offered to reduce irrigation.
- ❖ December 26, 2004, Omaha World Herald article – Scott again seeks to close area at Cunningham Lake.

- ❖ December 31, 2004, Blair Enterprise article – Warm winter helps water work.
- ❖ December 31, 2004, Blair Enterprise article – County asks senators for help in dam fight.
- ❖ January 3, 2005, Omaha World Herald article – New billboards clutter Omaha's I-80
- ❖ January 4, 2005 , Omaha World Herald Midlands Voices – Despite glitches, state had good '04 elections, written by John Gale, Nebraska Secretary of State.
- ❖ January 6, 2005, Omaha World Herald article – Agency will test aquifer near new MUD well field.

/pt/SO/GM Reports/2005/January

December 2004

Information & Education Report

Information

- Began work on Winter 05 SPECTRUM
- Updated media folder
- Continued work on web advertising
- Participated in New Board Member's Orientation
- Distributed updated Trails Brochure
- Updated Tax levy comparisons sheet
- Updated web site pages
- Continued work on Regional and State Envirothon Competitions
- Attended first Earth Day Omaha 05 meeting
-

Education

- Trained Pre-Service Educators at Creighton University in Project WILD and Leopold Education Project
- Trained Pre-Service Educators from College of St. Mary in Project WILD and Leopold Education Project
- Scheduled Benson West (NRD adopt-a-school) to sing at Holiday Luncheon
- Held NRC bake sale to raise money for the Food Bank (Collected ~\$200.00)
- Met with ESU #3 to discuss Water Works—scheduled committee meeting for January
- Finalized Water Works Application Flyer, ordered mailing labels
- Found geocaches on NRD 370 Wetlands property
- Recruited area Environmental Educators to staff booths at Pheasant Fest
- Scheduled and Managed 75 volunteer hours
- Worked with Omaha Raptor Team on materials for Pheasant Fest
- Started revisions on Walnut Creek Campground Rules and Regulations
- Revised and printed Envirothon Application, ordered mailing labels
- Ordered Butterfly Gardens for all 3rd grade classrooms at Benson West
- Continued planning for LEP workshop and NRD booth at Pheasant Fest



PAPIO-MISSOURI RIVER
NATURAL RESOURCES DISTRICT
8901 S. 154TH STREET
OMAHA, NE 68138-3621

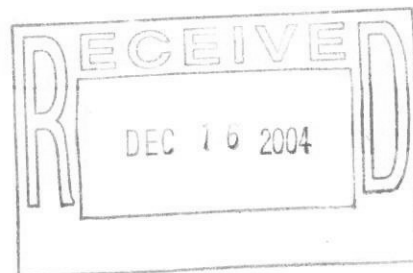
DEAR SIR:

THE BOARD OF DIRECTORS FOR THE SOUTHEAST NEBRASKA LAND SURVEYORS ASSOCIATION WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK YOU AND THE CHALCO HILLS STAFF FOR THE USE OF YOUR MEETING FACILITY FOR BOTH OUR OCTOBER AND DECEMBER SEMINARS. OUR NONPROFIT ORGANIZATION ALLOWS SURVEYORS THE OPPORTUNITY TO BECOME EDUCATED WITH THE PROBLEMS AND TECHNIQUES OF SURVEYING.

WE WOULD LIKE TO PRESENT THE ENCLOSED HONORARIUM TO THE DISTRICT TO HELP THE FUNDING FOR RESOURCES AND PROGRAMS THAT BENEFIT US ALL.

THANKS AGAIN,

TOM BRUGGEMAN, R.L.S.
SECRETARY/TREASURER
SENLSA





**Nebraska Society of
Professional Engineers**

A state society of the National Society of Professional Engineers

Dear Mr. Oltmans

Dec. 12, 2004

Thank you very much for letting the
NeSPE Education Foundation volunteers
conduct the Phonathon from your office
complex. The phonathon was very
successful and we look forward to
launching a second effort in the spring.
We truly appreciated your hospitality -
especially on a night when you had a
full house with the Board meeting.

Again - thank you!

Kristin Crawford
NeSPE Executive
Director

David Anderson, Gage County
President

Ken Stuhr, York County
Vice President

Nebraska Association Of County Officials

Larry J. Dix, Executive Director

Ken Fornander, Deuel County
Secretary/Treasurer

Cliff Welsh, Keith County
Past President

625 South 14th, Suite A, Lincoln, NE 68508 ♦ Phone (402) 434-5660 ♦ FAX (402) 434-5673 ♦ www.nacone.org

December 22, 2004

Steve Oltmans
Executive Director Papio Missouri River NRD
8901 S. 154th St.
Omaha, NE 68138-3621

Dear Steve,

On behalf of the Nebraska Association of County Officials, thank you for participating in our December 7-9, 2004, conference in Lincoln. I am extremely pleased you were able to contribute to the educational content of this event.

I am particularly pleased you participated in the discussion relating to relationships and case studies of counties and NRD's with Dean Edson and Jeff Quist.

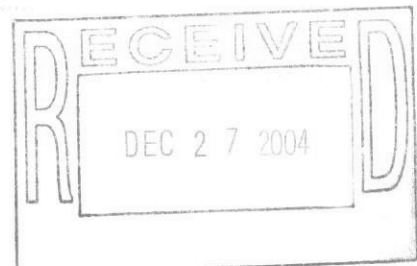
Again this year, in excess of 750 county officials attended the conference. Each of these individuals understands the importance of continuing education programs such as this conference presents and genuinely appreciates the contributions made by the guest presenters.

Again, thank you for contributing to the success of the conference and for sharing your expertise with Nebraska's county officials.

Sincerely,



Larry J. Dix
Executive Director



December, 2004

[illegible]

Updated: December 10, 2004

**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) (W)
 - ★ 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, as needed (P)
 - ★ Three Cabin ROW Condemnations (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
 - Floodway Property Purchase Agreement for Pedersen (P)
- **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)
 - ★ Review Engineering Contract with HDR (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):
 - ★ Warranty Deed with G&G Manufacturing (N)
- **Other:**
 - Interlocal Agreement with Bellevue for Missouri Riverfront Development (P) (Becic)
 - NRD/Roncalli/Omaha Agreement – Cole Creek Improvement Project (N) (Bowen)

Congress of the United States

Washington, DC 20515

December 17, 2004

President George W. Bush
The White House
Washington, DC 20500

Dear Mr. President:

Your policies favoring flood damage reduction, environmental restoration and infrastructure protection are exemplified by three vital Nebraska Corps of Engineers projects. We respectfully request that funding to continue construction of the following projects be included in your fiscal year 2006 budget:

- Western Sarpy-Clear Creek Flood Damage Reduction Project to protect Nebraska water resources and other vital infrastructure.
- Antelope Creek Flood Damage Reduction Project of the Antelope Valley multi-purpose project to provide urban drainage improvements supporting transportation and community revitalization in the city of Lincoln.
- Sand Creek Environmental Restoration Project to restore valuable wetlands in the Lower Platte River watershed.

Each of these three projects are ready for further construction and must proceed in order to move other, related elements forward. Additional information is provided in the enclosed fact sheet.

These projects were authorized by Congress in the Water Resources Development Act of 2000; have favorable feasibility reports approved by the Chief of Engineers; and have been recommended by the Department of the Army. The Administration's Policy Review has been favorably completed for Antelope Creek. It is our understanding that a favorable Administration review is nearing completion for Western Sarpy-Clear Creek and Sand Creek. Additionally, construction funding has consistently been provided by Congress in recent years for all three projects.

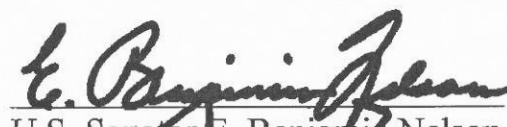
President George W. Bush
December 17, 2004
Page 2

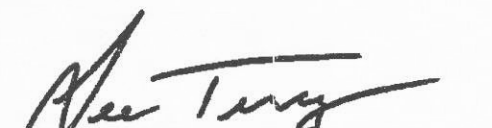
Inclusion of these projects in your budget would be a major contribution to Nebraska's well-being, consistent with your national policies, and would be very much appreciated. We look forward to working with you in the new year.


Thank you.

Very truly yours,


U.S. Senator Chuck Hagel


U.S. Senator E. Benjamin Nelson


U.S. Congressman Lee Terry


U.S. Congressman Tom Osborne

Enclosure: Project descriptions.

NEBRASKA CORPS OF ENGINEERS WATER RESOURCE PROJECTS**Fiscal Year 2006 Budget Request****Western Sarpy-Clear Creek Flood Damage Reduction Project**

This project will protect vital drinking water infrastructure that will supply nearly 50% of Nebraska's population in the eastern part of the state from flooding due to annually threatened ice jams on the Platte River. The Congress has provided construction funding for the past three years in the Energy and Water Development Appropriations Act.

Flooding in the area in 1993 severed one-half of the City of Lincoln's water supply and catastrophe was again threatened in 1997 from ice-jam induced flooding. Major construction progress towards completion can be realized with an appropriation of \$6 million in FY'06 of \$15.6 million authorized in WRDA 2000.

Additionally, this project will provide protection to I-80 and U.S. Highway 6; the Burlington Northern Santa Fe Railroad, an Amtrak Line; national telecommunication lines; and other public infrastructure. Construction of a separate but companion levee at Nebraska National Guard's Camp at Ashland was fully funded by the Congress in the FY '04 Military Construction Appropriations Bill and is underway. Neither of these adjoining levees is effective without the other. Ice jams with the potential for flooding in the area around Camp Ashland and the I-80 bridge where it crosses the Lower Platte River occurred again as recently as 2001 and will continue to be a significant threat until both of these projects are completed.

Antelope Creek Flood Damage Reduction Project

The Antelope Creek Flood Damage Reduction Project is an integral component of a flood control, transportation and community revitalization project known as the Antelope Valley Project located in the downtown part of Lincoln adjacent to the University of Nebraska. Critical to progress on the entire Antelope Valley Project is the completion of the drainage work. This multi-purpose project is a partnership of Lincoln, the University, the Lower Platte South Natural Resources District, the Corps of Engineers, and the Departments of Transportation and Housing and Urban Development.

The first segment of the project was completed in 2004 under a \$4 million Corps of Engineers contract. Delay of the next project segment will cause a delay in the transportation improvements already under construction. Completion of the flood control portion is necessary before community renewal can proceed. Very significant progress for the flood control element leading to the other elements would be realized with the provision of \$6.5 million of the \$46.5 million authorized in WRDA 2000.

Sand Creek Environmental Restoration Project

This project will restore several types of historic wetlands by adding to the national inventory in support of the Administration's "net gain" policy. A quantitative analysis of all environmental outputs by the Corps of Engineers demonstrated the benefits of this wetland restoration to the Lower Platte River watershed which serves the North American Central Flyway. Completion of the wetlands restoration structure will also provide flood damage reduction benefits and provides the roadway allowing completion of the U.S. 77 Expressway between Lincoln and Sioux City.

A total of \$8 million of \$29.8 authorized is requested for the FY'06 budget to accelerate construction of the restoration structure and enable completion of the roadway for relocation and upgrade of U.S. Highway 77. This is a key segment of the expressway and construction in 2005 will be highly supportive of the Nebraska Department of Roads project completion schedule.

Rural subdivision plan raises growth issues

12-1-04
By TOM SHAW

WORLD-HERALD STAFF WRITER

Should Douglas County place a moratorium on housing developments in rural areas until a plan is formed for orderly growth?

That was the question Tuesday as the County Board debated a proposed subdivision overlooking the Elkhorn River near 240th Street and West Q Road.

The board voted 5-2 to approve the preliminary plans for the 115-lot Hamptons development. But during the hourlong debate, some board members said officials need to focus on the big picture.

"You can bet that when this development goes in, you'll have other ones," said board member Mary Ann Borgeson, who represents western Douglas County.

Borgeson and Chairwoman Carol McBride Pirsch voted against the Hamptons plan. Both said they're concerned about development getting ahead of water resources and street improvements. The plan will come back for final approval early next year.

The area in question sits in the Elkhorn River basin, which isn't served by Omaha sewers. There also is no MUD water service.

The Hamptons would have a small plant to treat waste before it is discharged into the Elkhorn River. The development would use two community wells for water.

Ken and Sandy Kendall, who own a cabin on the other side of the river from the proposed development, asked the board whether the wastewater would be noticeable when the river gets low in the summer.

"Are we going to make our rivers dumping grounds?" Sandy Kendall asked.

Bob Doyle, attorney for Boyer Young Development Co. of La Vista, said the subdivision would meet all wastewater standards of the Nebraska Department of Environmental Quality.

Board member Kyle Hutchings said the plans met county requirements, noting the board approved a subdivision west of Bennington two weeks ago that had wells and a waste lagoon.

"On the surface, it appears we're not dealing equally with developers who come before us," he said.

A water expert for the Papio-Missouri River Natural Resources District sent the county a written request to delay development in the area until a regional water study is

completed. That could take several months.

Doyle said Tuesday that any regional water system would use a treatment plant and still discharge into the river.

He also said it makes more sense to develop closer to the Elkhorn River first and work east so that subdivisions don't have to put in extensive sewers leading to a treatment plant.

The board did not reach an agreement about the shape of growth in the county's western reaches.

Planning Commission Chairwoman Barbi Hayes said county planners rewrote several regulations last year, including how to manage subdivisions with larger lots. She said if the county decided to put a hold on development, it should announce it so developers know ahead of time.

Water task force seeks consensus

But unity wasn't always apparent as the group discussed controlling irrigation.

12-1-04
BY ART HOVEY
Lincoln Journal Star

KEARNEY — About 100 people, including most of the 49 members of Gov. Mike Johanns' Water Policy Task Force, wedged themselves into a room here Tuesday to try to decide where Nebraska goes next with sweeping changes in water policy.

Roger Patterson, director of the state Department of Natural Resources, and state Sen. Ed Schrock of Elm Creek, chairman of the Legislature's Natural Resources Committee, co-chair a policy group they said is unified on the need to control irrigation development in the growing part of the state where water demand is outpacing supply.

But a mood of unity was not always easy to see during a daylong meeting gripped by the tensions that accompany a new law.

LB962, drafted by the policy group and passed during the 2004 legislative session, allows the state to tell 23 natural resources districts when river basins are overappropriated and when irrigation demand from underground wells must be rolled back.

Jack Maddux of Wauneta lasted only about an hour with his personal pledge to say nothing unless it was something positive.

"I've come to the conclusion that the NRDs don't have the political courage to solve groundwater problems at the local level," said Maddux, an at-large member of a board drawn from the ranks of those NRDs, as well as power districts, municipalities, general agriculture, recreation, environmental groups and irrigators.

"I think it is a very serious problem that we face," Maddux said.

One of the major dimensions of that problem is a settlement with Kansas that requires minimum flows in the Republican River as it crosses the border between the two states.

But tensions and troubles run a

lot deeper at a time when drought-impacted rivers and reservoirs are getting shallower.

■ Virtually all of the Nebraska Panhandle and much of the south-central part of the state are already considered overappropriated or fully appropriated, according to a state study.

■ Water users are trying to adjust to policy based on the widely held assumption that surface water and groundwater are hydrologically connected. That means heavier groundwater irrigation is often at the expense of surface flows.

■ The NRDs were established in the 1970s as the local controllers of groundwater use. Now their board members see the state asserting greater influence in that area.

'When you've appropriated all the water, it's like selling land. The only way somebody else can buy land is if somebody is willing to sell.'

— Roger Patterson,
director of the Nebraska
Department of Natural Resources

"I can tell you adamantly that the state doesn't want to control your water," Schrock told local-control listeners Tuesday.

The state found itself under legal pressure from Kansas.

"They didn't sue the NRDs," he said. "That's the reason the state of Nebraska got involved."

But now that the state is involved, under LB962, the NRDs must work with Patterson and his staff to develop integrated management plans whenever river basins meet or exceed an equilibrium point between supply and demand.

From that point forward, if irrigation use grows at the local level, it must be decreased elsewhere within those same local boundaries.

The state is already working with nine of the 23 NRDs on manage-

See WATER, Page 6B

■ Water

Continued from Page 1B

ment plans

"When you've appropriated all the water, it's like selling land," Patterson said. "The only way somebody else can buy land is if somebody is willing to sell."

Put more bluntly, he said, "if you're going to add something, then something else needs to go away."

Part of Tuesday's discussion was about the chances of full, \$4.7 million funding from the 2005 Legislature for the task force.

"We've always had 100 percent support from the governor," Schrock said, "and I do appreciate that."

At a later point, the focus turned to federal, state and local programs that could pay producers to take land out of irrigation and ease the strains on several of the state's 13 river basins. But the policy group is grappling with who should pay irrigators willing to reduce water use when federal money runs out.

How much of the burden should fall on other irrigators in the same NRD? How much — if any — should fall to all irrigators,

all farmers, all local taxpayers, all of the state's taxpayers?

"Some would say the state caused the problem," said Schrock, referring to the Republican River settlement with Kansas. "They should have to pay for it. I think that's an oversimplification."

Much of the resistance to new water policy comes from the 1,000-plus members of Nebraskans First, a coalition of groundwater irrigators. President Bob Hilger of David City, on hand for Tuesday's task force meeting, said LB962 "wasn't well-thought out."

"It's not going to work," he said.

Hilger also took issue with Maddux's assessment of NRDs' past performance: "I can't believe anybody in Nebraska would feel that way."

The Alma-based Lower Republican Natural Resources District is on record as opposed to LB962. One of its board members, Nelson Trambley of Campbell, continued to find fault with a water policy direction that diminishes local control.

"This will affect our economy terribly down there," Trambley said.

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

Nebraska's new water law doesn't answer every question

By DAVID HENDER
WORLD-HERALD STAFF WRITER

Nebraska may have a new water law, but that doesn't mean the state has a foolproof way to plug conflicts or to tap the stream of cash that the policy requires.

For example, irrigators in south-central Nebraska and a local natural resources district are teaming to convince the State Department of Natural Resources that pumping water stored underground onto farmland previously served with surface water does not violate state-protected flows in the Platte River.

Also, the State Water Policy Task Force, which created the new water management policy and backed its approval in the Legislature, now is calling for full funding of at least \$4.7 million per year to pay for activities

required by the law. The Legislature provided \$2.5 million for the first year.

"It's going to continue to be an education. All of us are going to have to learn how to get by with less water," said Tim Anderson, spokesman for the Central Nebraska Public Power and Irrigation District in Holdrege.

The new law, passed as Legislative Bill 962, integrates the management of surface water and groundwater in Nebraska.

If the Natural Resources Department deems a river basin fully appropriated, a hold is placed on new permits for surface-water use, groundwater wells and new irrigated farm acres until state and local officials implement a new plan to manage water.

The latest puzzle surfaced this week when Central's board of di-

rectors said it intends to cooperate with Holdrege-based Tri-Basin Natural Resources District to protect interests of irrigators who may be affected by a moratorium on new irrigation wells in the Tri-Basin area.

Tri-Basin recently imposed a moratorium on new wells in the resources district west of U.S. Highway 183, an area where surface-water supplies are designated as "over-appropriated."

The moratorium may affect Central Irrigation customers who face reduced surface-water deliveries next year due to the impact of drought and upstream depletions on Lake McConaughy, Central's main storage reservoir.

Central's board says irrigation customers should be allowed to supplement surface-water deliveries with water stored under-

ground as a result of a half-century of seepage from the district's canals. This underground pool of water is believed to equal the equivalent of four or five Lake McConaughys, Anderson said.

"That water is ours," Anderson said. "We put it there and con-

tinue to put it there. That's a huge benefit we're not getting credit for. That underground mound has been contributing water to the Platte between Cozad and just east of Kearney, and our irrigators should not be penalized."

Roger Patterson, director of the Natural Resources Depart-

ment, has said that such exceptions would constitute a "new depletion" of water resources. A new depletion would require an offset of an equal amount of water through reductions in water use in other areas of the resources district.

'Welcome' signs not far off

12-10-04

BY MARION RHODES

WORLD-HERALD STAFF WRITER

Fences and "no admittance" signs ward off trespassers at the California Bend fish and wildlife restoration area northeast of Blair, Neb.

That picture could change within a few years. Some Blair officials would like to see part of the 400-acre habitat along the west bank of the Missouri River opened to the public.

The area would provide a new access point to the river from Nebraska, where most river-front property is privately owned, said Steve Oltmans, general manager of the Papio-Missouri River Natural Resources District.

"The public is pretty hungry for that type of thing."

The NRD board on Thursday voted 6-1 to approve an agreement after hearing comments from Washington County Attorney Ed Talbot and an affected landowner. Board member Barb Nichols had changed her vote since Tuesday, when she voted in favor of the agreement at a subcommittee meeting.

The Blair City Council approved the measure at its Nov. 23 meeting.

The two agencies will split the expected \$13,000 cost to develop the plan, which would out-

Two agencies will map out a plan for public access to a riverside plant and wildlife habitat near Blair, Neb.

line possible recreational uses and explore their impact on the habitat.

California Bend, located about one mile northeast of Blair, was designed by the U.S. Army Corps of Engineers as a restoration project for native plants and wildlife. It was completed last fall.

An earlier agreement that would have split the study's cost among Blair, the NRD and Washington County failed because the County Board declined to participate.

County Board Chairman Duane Wilcox said the board was concerned about the possibility of access to the area. Although most of the land is owned by the NRD, a small amount is owned privately, with easement rights granted to the NRD.

Wilcox said the owner of the only access road to the bend granted easement only under the condition that the area would not be opened to the public.

Talbot advised the board not to get involved, he said.

Blair City Administrator Rod Storm said the master plan would address the easement issue and explore whether additional land rights would have to be acquired.

Original plans for the bend included the possibility of public access, said Jim Becic, project manager for the NRD.

A report by the Corps of Engineers found that low-impact recreational activities such as fishing or walking would not disturb the area's plants and wildlife, Becic said.

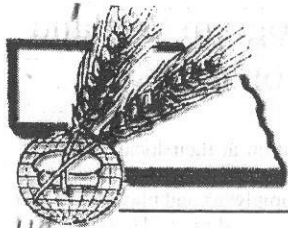
"If it's done correctly and designed correctly, the public and nature and wildlife can pretty much coexist," he said.

Storm said the city has since received several inquiries about opening up the area.

Developing the master plan is expected to take six months to a year, Oltmans said. If the plan finds open access feasible and the agencies secure funding, the public could be allowed inside California Bend by the end of 2007, he said.

"This would provide a really unique access to the river, to an area that I think over the years could develop into something the whole county could be very proud of," Becic said.

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The Nebraska Wheat Grower's Report

*A Weekly Publication of National & Local Issues
that affect Nebraska Wheat Growers*

How NRD's are implementing LB962

By Val Wolf

Ag Writer

Dean Edson, Executive Director, Nebraska Association of Resource Districts discussed LB962 and how the local NRD's will be implementing the changes. He gave the report to the wheat growers at their convention in North Platte.

"LB 962 is about a 180-page bill," Edson said "There are three key components to it."

"The director of Natural Resources is to make a declaration on river basins and if they are over appropriated or whether they are not fully appropriated. There is a declaration in the bill to address interstate compacts and agreements. The settlement agreement with Kansas is also included in this bill. We had to develop an integrated management plan. When the bill passed and the director makes those determinations, there is an immediate stay on any new surface and ground water use. That goes into effect right away," Edson said.

"Effective Sept. 25, based upon a ruling the Department made, the over appropriated status was made on the basin starting at the Kearney Diversion well and on west, Edson said." An over appropriated status means you have more uses out there than what can be sustained.

"The NRD's need to develop management plans with the DNR for both groundwater and surface water management. The management plans have to be adopted in three to five years under the current law. In the Republican River Basin the management plan has to be implemented in 2005. The plans have to be in place by next year," Edson said.

"We only control the groundwater. The DNR still controls and allocates all of the surface water. All wells have to be metered and the moratoriums on well drilling is just part of the plan."

"The district has certified all of the acres and

have also certified all of the wells by. These are two key provisions," Edson said. "We have to go on allocations. We have to track all of the water use in the Republican River Basin. We have to give allocations to industrial, municipal and agriculture."

"For municipal allocations the NRD has to come up with some formula for a per capita allocation. This will be adjusted for growth," Edson said.

"Industrial uses will be formulated on a five-year plan on a case-by-case basis. For allocation a history of use and the needs of that industry was studied."

"Agriculture uses, the lion's share of the water usage, is over 96 percent of the basins use. Live-stock operations are based on the species consumption, meaning cattle consume more water than chickens. With feedlots we figure out the capacity of the feedlot and use those calculations," Edson said.

"Irrigation use is set at 13 inches per year for three years. You can use all 39 inches in one year if you would want to. You can use the water on 100 percent of the certified acres. The allocation year starts Jan. 1," Edson said.

"Any overuse over 39 inches in three years you have a penalty or reduction of your next allocation, for the first three inches it is an equal amount. Each inch over that amount it is double. There is a carry over of the unused allocation."

"Regulations for water short years will help us decide what we will do in those years. You can reduce the certified acres or the base allocation or both. Incentive programs can also help in the decision," Edson said.

"There are transfers for ag purposes you will need to apply to the NRD for a transfer permit. The two parties will have to find the water for themselves. The NRD's will not be responsible



Dean Edson

for finding the water. We will track the paper transfer not the water," Edson said.

"Municipal and industrial will go directly to the state not the NRD," Edson stated.

Transfers need to go on certified acres of the well involved and it must be for reasonable and beneficial purposes.

"The board can grant variances upon good cause shown," Edson admits. "Temporary projects may come up to require a variance."

"Overuse violations can result in reduction of future allocations and failure to provide a use report could end up in loss of allocation," Edson said. "Starting Jan. 2006, the DNR will evaluate each basin for fully or over appropriated status."

Edson suggested, "You need to get involved with the local NRD. Help them develop a management plan. They want your input."

For more information go to NRD.org, click on your local NRD and get to their home page, you will find all of the rules and regulations for your area.

1 of 2

County OK's subdivision

Cottonwood Creek will have 104 lots

By Keith Rydberg
Reporter

Although not every issue involved was completely solved, the Washington County Board of Supervisors recently approved the preliminary plat for a new subdivision in the southern part of the county.

The 104-lot Cottonwood Creek subdivision, will be located on 325 acres of land south of the Allen Hills subdivision and north of the Eagle View subdivision near County Road 37. Lots will range in size from 2 to 5 acres with the subdivision located in the Blair school district.

While the county planning commission approved the subdivision at its November 4 meeting by a 6-1 vote, the county board expressed several concerns about the subdivision at the board's November 22 meeting, mainly involving a proposed dam of Long Creek within the subdivision. The matter was then tabled by the supervisors until the Monday, December 6, joint meeting between the county board and the planning commission.

Because the county board was concerned about what would happen if the dam and the Lake Arrowhead dam in Allen Hills would be breached, Curt Hofer, president of the Big Sky Development Group, agreed to eliminate the dam from his proposal. As a result, Hofer said he will have to pay a penalty to the Natural Resources Conservation Service.

Hofer said the NRCS had told him building a dam in the subdivision would not require an additional breach study because the amount of water contained by the dam would not require him to get a storage permit from the Nebraska Department of Natural Resources.

Although the plat that was approved shows the dam's removal and the subsequent addition of four lots, the effect of the dam on the subdivision was still discussed at length during Monday's meeting with Hofer maintaining the dam and the pond would not have placed the subdivision lots at risk. Hofer said a breach analysis was made of the area where the subdivision will be located with the study showing that many of the properties that could be affected by a dam breach were also at risk of a dam breach at Lake Arrowhead in the Lakeland Estates subdivision.

"My understanding was that it was such a small structure and we were talking about such a small volume of water that it didn't even hit the (Papio-Missouri River Natural Resources) District's 'radar screen' as a structure that needed to be tagged for a breach analysis," Hofer said. "We were just showing for the county's benefit the little effect this dam would have on the areas that were already part of the (Lake Arrowhead) dam study. What we are dealing with is what would happen if Lake Arrowhead would breach."

Patrick Diederich, chief of dam safety for the Nebraska Department of Natural Resources, then said the department does not wish to dispute the NRCS decision, but there are hundreds of structures lo-

Blair Pilot
Tribune Newspaper

12-10-04

COUNTY: Dam removed from proposal

FROM PAGE 1

cated downstream that would be at risk if the Cottonwood Creek dam was created.

Diederich also said while Lake Arrowhead is in compliance with the standards that were in place when the lake was created in the 1960s, the surrounding land has since changed from its original agricultural zoning. Because the Lakeland Estates subdivision and other nearby residences have been built since that time, Diederich said the dam should be physically improved to "high hazard" status. The status, which would mean the dam could withstand the results of a 100-year rainfall, is the standard for dams whenever there is a possibility of a loss of life from a dam breach.

Washington County Attorney Ed Talbot then addressed Hofer and said the county's main concern regarding the dam was making sure any breach would not create more than 1 foot of water backflow downstream.

"The county's consideration would be in instances where

someone has a piece of property downstream where they are looking to build a house someday," Talbot said. "If we allow this subdivision to go in with the dam, that dam now has the effect of limiting what is built in that area. We're trying to decide how to balance those properties out."

Diederich said while Talbot's example may be too extreme, the breach area should be treated like a floodplain that may require a certain amount of fill.

Marlin Petermann, assistant general manager of the Papio-Missouri River Natural Resources District, said the county would need to make sure the breach elevation would not rise more than 1 foot so the channel elevation would be consistent with the floodplain regulations that currently exist.

Hofer said he presented information about the dam to the county board when it was proposed even though he did not have to do so. He criticized the board, maintaining the supervisors asked him to do more than what was necessary.

"Our challenge to the board is at what point do you go with the regulations," Hofer said. "Why would I be involved with beautifying the county and having a water feature that will beautify the county if the standards are going to be applied solely by the county?"

Petermann said he agreed with Diederich that the best thing to do would be to upgrade the Lake Arrowhead dam to high hazard dam status because the increased durability would reduce the concern about downstream flooding. He also said the NRD is looking into the matter and expects a more definite solution within a year.

"The chance of something popping up downstream is pretty likely," Petermann said. "We are just trying to be cautious. This is not something that is just being brought up in Washington County. Across the entire country, people are dealing with issues just like this."

Washington County Planning Administrator Doug Cook then asked for clarification as to whether any structures would be allowed in the Lake

Arrowhead breach area and, if so, what types of structures would be allowed. Talbot said regulations currently allow structures in the breach area as long as the structures are not dwellings.

John Kottmann, project engineer for Thompson, Dreessen and Dörner Inc., said engineers have already begun work on a study to better determine the effect of structures in the breach area. While the study is not complete, Kottmann said some dirt may have to be added to the Long Creek channel to allow the breach elevation to rise.

Planning commission member Doug Dierks said even if dirt will have to be brought in to enhance the Long Creek channel, the modifications to Long Creek should be minor.

"I think the regulations are already there," Dierks said. "You can move some dirt around so the water goes through. That's what it is all about. If you can move the dirt around so people can live there, live with it and enjoy it, that is one of our goals."

Blair Pilot Tribune

12-10-04

2 of 2

River ruling goes against environmental organizations

12-14-04

BY MARTHA STODDARD

WORLD-HERALD BUREAU

LINCOLN — Environmental groups have lost another round in their battle against a U.S. Army Corps of Engineers plan for managing the Missouri River.

U.S. District Judge Paul Magnuson, in an order Friday, threw out a lawsuit filed in July by American Rivers, Environmental Defense and the Izaak Walton League of America.

The ruling was the latest disappointment for the environmental groups, which want to see lower summer flows of water in the Missouri to help endangered fish and birds.

The corps implemented a plan last summer to allow water levels high enough for barge shipping.

The State of Nebraska intervened to argue for shipping interests. Shipping is estimated to be worth more than \$500 million annually to the state, said Attorney General Jon Bruning.

David Cookson, an assistant attorney general, said Monday that the latest ruling may put an end to repeated lawsuits.

Magnuson also ruled against the coalition in an earlier set of lawsuits, which are being considered together. The earlier ruling is being appealed to the 8th U.S. Circuit Court of Appeals.

American Rivers spokesman Eric Eckl said an appeal may be possible in the latest lawsuit as well. "The ruling is a setback, but it's not the end of the line," he said.

City of Blair, NRD plan joint study of Cal. Bend

By Keith Rydberg
Reporter

Although it will be several months or even years before construction work will begin on the development of the California Bend site northeast of Blair, proponents of the project recently got a literal vote of confidence.

At their December 9 meeting, the Papio-Missouri River Natural Resources District Board of Directors voted 6-1 in favor of joining with the city of Blair on an agreement to develop a master plan for the bend. The master plan, which is estimated to cost \$13,000, will serve as a guide for the district and the city regarding developing the bend into a public access wildlife area. The agreement also states the city and the district will share the cost of paying for the master plan.

While the agreement focused primarily on the master plan, the next step in the project will involve finding a consultant, something that will be done by the city. Blair City Administrator Rod Storm said he expects the consultant will be hired within two to three months.

Once the city council approves the hiring, Storm said public hearings will be planned to allow residents of Blair and Washington County an opportunity to suggest ideas as to how the bend should be used. Com-

ments from the public hearings will then be incorporated into the master plan to ensure the development will meet everyone's needs.

Because the project remains in the preliminary stages with the master plan not expected to be completed until next summer at the earliest, Storm said it is almost impossible to tell when construction will begin at the bend. While the plans for the development remain unclear, Storm said care will be taken to ensure that the wildlife habitat already in existence at the bend will not be affected.

The possibility of the development affecting the habitat has caused some controversy at both the city level and at the county level. While the city council approved entering into the agreement at its Nov. 23 meeting, the council's vote served as almost a reversal of the city's original stand to not allow public access at the bend while the habitat was being created. Storm said the council's willingness to allow public access at the bend now that the habitat is finished is an indication that things do change over time.

"I think there was a fear at one point that having some sort of a wildlife project at the bend would really prohibit development north of the railroad tracks in the next 20, 30 or 40

years," Storm said. "However, the area in question will lie primarily south of the tracks."

Jim Becic, environmental coordinator for the NRD and the manager of the original habitat project, said the district and the city will likely take a "soft" approach to the work that will be done on the bend to make sure the work done to create the habitat is not affected. While Becic said the situation is similar to agreements the district has had with other cities, the work that will be done at the bend will depend on the requests citizens make at the public hearings.

"I'm guessing the amount of hunting and so forth will be limited because of the habitat that exists, but that is all up to the public meetings to decide," Becic said. "The master plan is really something that will help us to plan our infrastructure in an orderly manner."

Prior to the city council's vote, the Washington County Board of Supervisors voted 5-2 on a motion to deny a request to join a partnership that would have been between the county, the U.S. Army Corps of Engineers and the NRD regarding the master plan. At the county board's Nov. 9 meeting, several supervisors were concerned about land easements acquired as part of the original habitat

SEE CALIFORNIA BEND PAGE 3A

TUESDAY, DECEMBER 14, 2004

CALIFORNIA BEND: *Public access is goal*

FROM PAGE 1

project. Washington County Attorney Ed Talbot said he was concerned the legality of two easement agreements may be called into question because the easements were obtained with the understanding no public access would be allowed on the bend.

Blair City Council member Jon Stewart, who is one of the chief proponents of the project, said the easement question remains an issue, but he believes the issue can be resolved and credits the Blair mayor and fellow members of the city council for their willingness to allow public access at the bend.

"I just thought it was something that needed to be revisited," Stewart said. "The citizens who talked to me felt the same way I did when they saw 'No Trespassing' signs out there. There is not only some opportunity for industrial and retail development out there, there is also land available for some greenspace and a recreational area."

Stewart also said he doesn't believe there should be any controversy regarding the public use of the bend. He said the council has received letters from the U.S. Army Corps of Engineers and the NRD stating public use can be allowed on the bend now that the work on the habitat project is complete.

"There is an opportunity out there for the several thousand residents of Washington County to have something to enjoy," Stewart said. "The important thing to remember is that this is not just for Blair, it is for Washington County."

Trail to link Omaha parks

Project seen as good fit to revitalization of midtown

12-15-04
BY JOSEPH MORTON
WORLD-HERALD STAFF WRITER

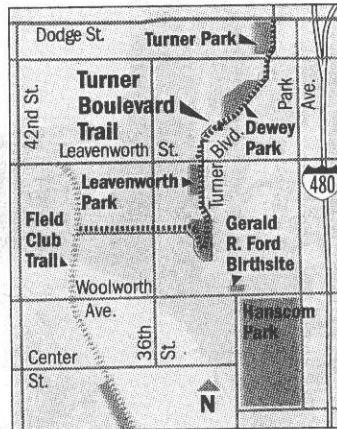
Midtown Omaha is getting a new stretch of trail that will run east and north from Field Club, providing an important connector for the area's trail system and linking three city parks, Mayor Mike Fahey announced Tuesday.

The 1.4-mile-long trail will be built on public rights of way. Construction is scheduled to start in fall 2005 and be completed by late 2006, Fahey said.

Federal grant money will cover most of the trail's cost of \$598,000. The City of Omaha and the Papio-Missouri River Natural Resources District will contribute 10 percent each.

Turner Boulevard Trail will join the Field Club Trail near 39th Street, run east along Pacific Street and then follow Turner Boulevard north past Leavenworth Park, Dewey Park and Turner Park before ending at Dodge Street.

Tawanna Black, new manager of Destination Midtown, said the new trail will fit right



DARRELL FORBES
THE WORLD-HERALD

into the group's plan for revitalizing the area.

Support from Destination Midtown and neighbors was key to getting the grant for the trail, Fahey said.

The three parks along the new trail also are due for improvements in the next couple of years.

Leavenworth Park is getting new playground equipment, renovations are coming to De-

wey's tennis courts and Turner Park is expected to see improvements as well, said Parks Director Larry Foster.

The trail will improve and tie together the area's green spaces, said Jim Thompson, an NRD board member who is the park improvement committee chairman for the Leavenworth Neighborhood Association.

He said the trail harks back to the boulevard system planners originally laid out for Omaha.

"This is really getting back to what that plan was 100 years ago," Thompson said.

New incentives offered to reduce irrigation

72-22-04
By DAVID HENDEE

WORLD-HERALD STAFF WRITER

A million dollars was made available Tuesday to sweeten state and federal incentives to encourage irrigation farmers in drought-stricken southwest Nebraska to save water.

Farmers in 14 counties along the Republican River may tap a one-time, \$100 per acre bonus payment to convert irrigated cropland to other uses.

The new partnership was announced by Steve Chick, state conservationist with the federal Natural Resources Conservation Service (NRCS), and Roger Patterson, director of the Nebraska Department of Natural Resources.

The bonus is in addition to federal Environmental Quality Incentives Program, or EQIP, funds aimed at reducing irrigated cropland acres and water use. The \$1 million comes from the Water Resources Trust Fund, a \$2.5 million legislative appropriation this year to fund the state's new water law.

Patterson said the bonus is needed to help reduce Nebraska's water use to comply with the state's Republican River Compact with Kansas.

Up to 10,000 acres of irrigated land within about 2.5 miles of the Republican River or its tributaries will be eligible for the bonus.

The program is similar to one proposed by Rep. Tom Osborne, R-Neb., to pay farmers an average \$125 per acre to not grow crops on land irrigated with water from the Republican and Platte Rivers.

Chick said the state funds are in addition to approved EQIP applications now being accepted in local NRCS offices. An EQIP contract alone can pay between \$50 and \$100 per year for three years for irrigated land conversions.

The maximum total area per person cannot exceed 160 acres.

Farmers interested in the program can apply now for both the state and EQIP funds at their local NRCS office.

Scott again seeks to close area at Cunningham Lake

BY RICK RUGGLES
WORLD-HERALD STAFF WRITER

A proposal to close an access area at Cunningham Lake has been resurrected, this time through the Douglas County Board.

Retired construction magnate Walter Scott's Centennial Farms LLC has asked the county to close about a half-mile of Rainwood Road as it leads to the east side of Cunningham Lake. This also would close a deteriorating road and a small park area next to the lake.

Scott and other members of his family have three huge homes on the east side of the lake and own the property surrounding that portion of Rainwood Road.

A similar plan was before the Omaha Parks Department last year. Cunningham Lake neighbors beat it back.

"I knew the issue would come back up again ... because he wants it closed," Cunningham Lake area resident Susan Bogard said of Scott. Bogard said she supported closing off the access point last year and still does.

During last year's discussion of the issue, Scott offered \$1 million to the Parks Department so that a trail could be built around the lake. In exchange, the city was to close off the access area in question.

Residents who attended a November 2003 meeting called by the Parks Department on the issue voted 23-17 against the proposal, and the issue was temporarily killed.

Bogard said it's too bad the city didn't take the \$1 million and close off the area last year.

Larry Foster, city parks director, agreed with that assessment. "We have supported closing the road in the past," he said.

The access area receives comparatively little use, Foster said. Because it's isolated, he said, the spot Rainwood Road leads to sometimes is used for partying, drinking, vandalism and sexual activity. The lake has nine other access points.

John Boyer, an attorney representing Centennial Farms, said the offer of \$1 million "long ago disappeared."

The latest proposal goes before the Douglas County Board, not the city.

The current proposal differs from the initial one in a couple of ways.

First, the proposal has been made to the county instead of the city. This is because the county officially owns that portion of Rainwood Road. The initial proposal was to close off the access point and park area at the west end of the road.

The new plan would close off Rainwood Road as it approaches the lake. Therefore, it also closes the access point.

Also, while county commissioners already have approved a study of the proposal, by law it must now go through the city departments involved, plus the City Planning Board and the City Council.

That's because the road is within the city's zoning jurisdiction. So the matter promises to remain unsettled for weeks and probably months.

FRIDAY, DECEMBER 31, 2004

Warm winter helps water work

By Keith Rydberg
Reporter

While the weather will ultimately determine how much work can be completed during the winter months, work has begun on the installation of a water system in the southeastern part of Washington County.

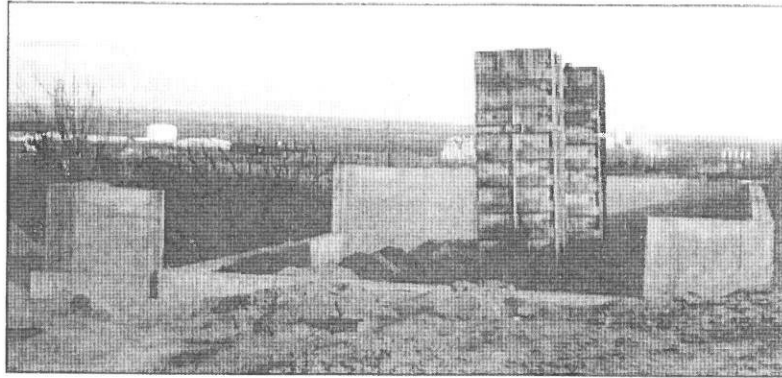
At its Nov. 18 meeting, the Papio-Missouri River Natural Resources District's board of directors approved contracts for a 36-mile water distribution system that will serve 265 rural residents living between Nebraska Highway 133 and U.S. Highway 75 south of Blair.

BRB Contractors of Topeka, Kan., was awarded a \$2.54 million contract for the excavating and installation of the pipes. The NRD directors also awarded a \$257,646.90 contract to Pospichal Construction Inc. for the construction of a pump station on 17th Avenue in Blair. In addition, Landmark Structures of Fort Worth, Texas, is building a 1-million-gallon water tower just south of Blair as part of the project.

Since the approval of the contracts, workers from the firms have been able to take advantage of the mild weather conditions and begin preliminary work on various aspects of the project. Dick Sklenar, project manager for the NRD, said while there is always a possibility that winter weather will cause work to be delayed on the projects, such delays have already been accounted for in the production schedule.

"We estimate a substantial completion of all aspects of the project by Aug. 1," Sklenar said.

BRB Contractors has set up a mobile office approximately four miles south of Blair on Nebraska Highway 133 with the company currently working with suppliers to bring in the 45 truckloads of pipe necessary to supply the rural water customers. Red Sparks, job superintendent for BRB Contractors, said 26 loads of pipe had been received as of last week and anticipates all of the pipe should be brought to the site by early February. Sparks also said if conditions remain favorable, he is hoping to begin excavation work next month on the area near the Country Estates mobile home park where a 1 million-gallon watertower will be located that will store the water for distribution throughout the water system.



While it may appear that a new house is being built on 17th Avenue in Blair, the construction is actually for a pump station that will regulate the flow of water from Blair to a watertower being built south of the city. After workers from Pospichal Construction Inc. of Waterloo, completed a segmented wall on the pump station, construction has stopped until spring when workers will install valves, vaults for the valves and a booster pump station at the site.



Workers with BRB Contractors are hoping mild weather conditions continue because it could allow excavating work to begin on a water distribution system that will serve rural residents living between Fort Calhoun and Blair. As of last week, 26 of the estimated 45 loads of pipes had been delivered and excavation work could begin early next month.

winter. Obviously, if the frost gets too deep, that will hinder our production and snow will hinder our production as well."

Workers with Pospichal Construction have also been able to take advantage of the warm weather as conditions allowed them to complete work on a segmented wall at the site of the new pump station. Jim Pospichal, president of the construction company, said after the segmented wall was completed Dec. 27, work was temporarily halted on the project until spring when the more intricate work on the pump station will begin.

Pospichal said work that remains to be done includes the installation of two large valves as well as vaults for the valves. A fully completed booster pump station will also be brought in to the site and will serve as an accessory to the main station. Once

struck south of Blair.

Work at the watertower site has also stopped for the year although the \$1.38 million project is proceeding ahead of schedule with the pedestal of the watertower already completed. Work at the site has stopped for the year, although workers are continuing to fabricate steel that will be used for the dome of the watertower once work at the site continues in April. The watertower is being constructed by Landmark Structures of Fort Worth, Texas, and is being supervised by the HGM Associates consulting firm on behalf of the NRD.

Chris Koenig, project manager for HGM Associates, said the watertower project is proceeding ahead of schedule because of the ability of the contractors to work together.

"We had some really good cooperation at the local level."

Sklenar also said another problem related to the water system appears to have been resolved. The lateral lines, which will run north and south from the main trunkline, will be oversized to a width of 8 inches in order to anticipate further growth and to allow fire hydrants to be placed at intersections of the main line and the lateral lines. Because the oversizing is being done at the request of the county, the county has agreed to loan the district \$200,000 for the additional expenses. While it was originally thought additional money would be needed for the oversizing, Sklenar said the bidding for the oversizing came in at slightly less than the \$200,000 loan amount.

County asks senators for help in dam fight

By Keith Rydberg
Reporter

12-31-04

Concern about a rumor related to two proposed dams in the county has led the Washington County Board of Supervisors to request assistance from state senators.

At their Tuesday, Dec. 28 meeting, the supervisors voted unanimously to request Washington County Attorney Ed Talbot write a letter to the Unicameral stating the board is opposed to any legislation that would seek to change existing legislation about closing roads.

Board Chairman Harlo Wilcox said the supervisors passed a resolution in August expressing their formal opposition to the dam project, but the letter will serve specifically to prevent the Papio-Missouri

Natural Resources District from closing several county roads. Closing the roads would be necessary in order to have land available for the resulting lake that would be created by the two dams. While the county board presently has the final say as to which roads may be closed, the action taken resulted from a rumor the board heard that the NRD is seeking to have legislation passed that would allow the district to close roads on projects such as the dam proposal.

"If the dams go in, this would close all east-west roads between (Nebraska) highways 36 and 91," Wilcox said. "I have never had one person call me to tell me they were in favor of this proposal."

Before making the request,

SEE DAMS PAGE 3A

DAMS: *County asks Legislature for help in fight*

FROM PAGE 1

Wilcox noted he has spoken with Steve Oltmans, general manager of the district, about the matter and Oltmans has said no legislation is being proposed. Oltmans could not be reached for comment about Wilcox's claim, but he has previously said the district is not taking any action to change state statutes regarding road closures.

The NRD maintains that no legislative action is being sought, but Todd Andersen, a member of the Papio Valley Preservation Association group, said the board's motion will at least let other counties know about Washington County's situation.

"I would like to see this board set an example for other counties," Andersen said. "Everyone in the state is fighting the NRD somehow. Your support would give these other counties an example to show them they are not alone in their fight. If nothing else, it will let the NRD know we are opposed to the dam proposal."

No sign of Omaha By Design



As the Omaha City Council was crafting new design standards for the city, 18 new billboards, including the ones above, were erected along Interstate 80 from 60th Street west to the I-680 interchange. Because of a bungled permit process and private ownership of lands close to the road, the billboards were built.

KILEY CRUSE/THE WORLD-HERALD

New billboards clutter Omaha's I-80

1-3-05

By C. DAVID KOTOK

WORLD-HERALD STAFF WRITER

City leaders agree that Omaha's Interstate highways and major roadways need to be transformed into manicured welcome mats, with flowers, trees and wild grasses.

The only change so far? Eighteen new billboards planted along Interstate 80 — signs that may well have been rejected under the Omaha design standards adopted in early December.

Not our fault, says the State of Nebraska. The city gave out permits. Not our fault, says the City of Omaha. The state failed as our protector.

Not our fault, says Union Pacific Railroad, which sold the space for 15 of the 18 new signs. The state and the city had approved them.

"There was a time when we all liked billboards when they were those clever Burma Shave signs," said City Planning Director Bob Peters. "When playing the license game with your kids got boring, they came in handy."

"But now, we are a lot less appreciative, especially in the urban environment," he said.

Highways on the edge of Omaha, including Interstate 80, are among the Omaha By Design targets added to the city master plan Dec. 7 by the City

Council.

Those highways "should be turned into landscaped designs that create a positive image of the city," reads one official goal.

Billboards are addressed in the Omaha By Design policy: "New off-premise advertising signs should not be permitted within delineated areas of civic importance."

Steve Seline, vice chairman of Wait Communications, said billboards are compatible with Omaha By Design. Seline, a member of the advisory committee that helped draft the new standards, said the group rejected stricter anti-billboard measures.

Wait, which owns one of two large billboard companies operating in Omaha, owns four of the 18 new billboards. Seline rejects the view "that any billboard is a bad billboard."

"Billboards add value," Seline said. "They are informational and promote business."

Even so, state and city officials played something of a blame game about the circumstances that led to approval of new signs along I-80 even as the city was crafting design standards seeking to limit them.

In February 2003, Lamar Outdoor See Billboards: Page 2

Billboards: New structures clutter Omaha's I-80

Continued from Page 1

Advertising, the other major billboard company operating in Omaha, took out permits to erect 18 new signs along I-80 from 60th Street west to the I-680 interchange.

City permit fees totaled \$6,180, money that city officials acknowledge they were glad to collect even though they thought the signs never would be erected.

Tom Blair, a city planner, said he thought the State of Nebraska, which had never permitted billboards along that stretch of I-80, would prevent new ones.

After Lamar's six-month permits expired without the state allowing the billboards, the city could have changed sign regulations in the area. No action was taken, and Lamar returned in April 2004, paid another \$6,180 and got new permits.

Only then, Blair said, did the city learn that the state was seriously considering relaxing its billboard policy for I-80 through Omaha. "We think we should have been apprised," Blair said. In Lincoln, the Nebraska

Roads Department scoffs at Blair's suggestion. How much more notice did the city need than seeing Lamar come in and apply for permits? asked Gary Britton, the department's assistant right-of-way manager.

In July, the state yielded to Lamar's interpretation of Omaha's city boundary — giving the city, rather than the state, ultimate authority to permit new signs.

Britton said that created another problem in the negotiations with Lamar.

When the Interstate system was being developed in the 1950s and 1960s, Nebraska accepted extra federal money to buy advertising rights for 660 feet on either side of the new highway. Across much of the state, that gave Nebraska more clout than most states to restrict billboards.

But the state couldn't buy advertising rights everywhere. Railroad companies, which proposed new Interstates, apparently refused to sell land they owned near the Interstate, Britton said he learned only recently.

That is the case in Omaha, where Union Pacific Railroad owns the land along I-80 between 60th and I-680.

Lamar got its signs. It gave four to Waitt to settle a conflict between the two companies. All 18 signs have been erected.

Britton said he assumes that the rest of the Interstate is protected, including I-680 around Omaha and I-80 and I-180 in Lincoln. To be certain, records from the late 1950s and 1960s would have to be checked property-by-property at county offices, he said.

For Union Pacific, selling billboard placements along its right of way is worth millions.

In Omaha, 30 billboards are along the railroad right of way, including 15 of the new 18, said John Bromley, a U.P. spokesman. Throughout the country, U.P. has sold rights for the placement of 3,500 billboards, with most in large urban areas in California, Texas and Illinois.

The owners of property where billboards are situated usually receive 20 percent to 25 percent

of the revenue, according to an industry expert. A billboard along a high-traffic urban Interstate can produce \$3,500 to \$10,000 a month from the advertiser.

If Union Pacific averaged \$1,000 a month as its share from the billboards, which the expert said was a fair estimate, it would take in \$42 million a year.

Union Pacific saw nothing wrong with selling rights for the new billboards in Omaha since that stretch is heavily industrial and commercial, Bromley said.

The railroad has turned down some billboard locations along its tracks in more-residential locations along West Center Road and Pacific Street near 156th Street, Bromley said.

City Planners Peters and Blair said west Omaha is well-protected against an onslaught of billboards. Since 1987, city zoning procedures have made nearly all of Omaha west and north of I-680 billboard-free.

The 400 billboards now in Omaha are almost all east of 72nd Street.

Despite glitches, state had good '04 elections

11/4/05

BY JOHN GALE

The writer, of Lincoln, is Nebraska's secretary of state.

While our 2004 elections were conducted smoothly and effectively across Nebraska, they were not entirely problem-free.

There has been much publicity about certain problems, especially regarding the Nov. 2 general election. They included long voting lines, precincts that ran out of ballots, heavy use of provisional ballots, voting tabulation problems and errors in sending absentee ballots.

News-media reports on these problems may have given the public the impression that the election system in Nebraska is badly in need of repair.

From my perspective as chief election officer of Nebraska, such an impression clearly would be exaggerated.

No election is ever perfect. With 12,000 poll workers and almost 800,000 ballots cast in 1,600 precincts in 93 counties during a basic 12-hour span, we should be proud of how well things went. Nebraska of 2004 was hardly Florida of 2000.

Nonetheless, I have been dissatisfied with the problems that arose from the Nov. 2 election and the lack of appropriate responses in some instances.

I addressed the problems seriously and requested full reports from the county election officials involved. From these reports and our investigations, we are preparing a study and recommendations regarding the issues.

Attention on the Nov. 2 election's problems overshadowed some very good news — the success of provisional balloting, the heavy use of early/absentee voting, the record levels of voter registration and voter turnout.

Voter registration was a record 1,160,193, an increase of 6.9 percent from 2000. The voter turnout of 792,827 was a record and was 12.1 percent higher than four years earlier. The election saw a turnout of 68.3 percent of registered voters, up from the 65.2 percent figure of 2000.

But there is no doubt that some problems with the Nov. 2 election need remedial attention at the county level. Here is a summary:

■ There were long lines to vote in some precincts in Douglas, Lancaster and Sarpy Counties where there has been rapid housing growth. Douglas County and, to a lesser extent, Lancaster County ran out of ballots in some precincts, causing delays as more ballots had to be printed.

High-growth areas pose problems for election officials. Under state law, election precincts cannot be split between the primary and general elections. During that time, new subdivisions can spring up, adding hundreds of new voters to a precinct.

One possible solution is to change state law to allow splitting of precincts between the primary and general elections.

Election officials need to plan better to accommodate the

large number of voters in high-growth precincts. This includes having mobile poll workers for emergency assignments and providing more voting booths and large quantities of ballots at those precincts, especially to handle heavy evening voting.

■ Douglas County saw heavy use of provisional ballots, which are designed for people whose voting status is in question.

Of the 17,003 provisional ballots in Nebraska, 8,200 were in Douglas County. This was in part due to how the county handled mail inquiries to registered voters that came back undelivered.

In such cases, the Election Commissioner's Office assumed that the person had moved. The names of these people were flagged in precinct books, and they were required to cast provisional ballots when they voted.

Because their names were in the precinct books, the affected people should have been allowed to cast regular ballots. The Douglas County election commissioner has agreed to end this practice.

■ There were problems in tabulating ballots in Sarpy and Lancaster Counties.

In Sarpy County, action by a technician erroneously led to absentee ballots being added to totals twice. All ballots were reprocessed Nov. 5, and the final result showed the initial count was inflated by 4,015 votes.

In Lancaster County, the vote count was suspended at 1:30 a.m. Nov. 3 because tabulation equipment, which has a good track record statewide, repeatedly malfunctioned. The equipment later was fixed, and the count was completed about noon Nov. 3.

■ Due to inexperienced election personnel, Cass County mailed out hundreds of absentee ballots that lacked the required signature of the county clerk. Replacement ballots were sent, but of 857 substitute ballots, 569 ballots were returned by the deadline and 288 ballots came in too late to be legally counted.

When my office realized the need for experienced help in Cass County, we provided staff to help conduct that election. Possible corrective action includes re-creating the county's position of election commissioner, providing training for staff and conducting a performance audit of the county clerk's election system to correct deficiencies.

All the attention on these problems should not overshadow the fact that the Nov. 2 election overall was a resounding success, with a record turnout, no reports of fraud and a very low tabulation error rate. Only four races required a recount.

The election reaffirmed my belief that the Nebraska election system is a sound one that will serve the state's citizens well for many, many years.

Agency will test aquifer near new MUD well field

BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

1-6-05

The Metropolitan Utilities District will contract with the U.S. Geological Survey to test the aquifer near its new well field for explosives and solvents.

On Wednesday, the utility's board approved spending \$90,600 on two years of testing.

Six monitoring wells south and west of the well field will be tested twice a year for RDX and TCE, pollutants from a now-defunct munitions plant and missile site.

The site, near Mead, Neb., is in the federal Superfund program, which means it is one of the nation's top environmental cleanup priorities.

Kevin Tobin of MUD said the Geological Survey will provide an additional \$10,000 toward the cost of the testing.

An added bonus of contracting with the Geological Survey, Tobin said, is the credibility that the agency brings to the tests.

MUD has been bitterly criticized by neighbors of the well field who fear that the utility's pumping will draw contaminants into household wells.

The tests will be done in 2005 and 2006. In the meantime, MUD will develop plans for additional, future tests.

Both the U.S. Army Corps of Engineers and the Lower Platte North Natural Resources District are requiring MUD to monitor the aquifer for the movement of pollutants.

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