

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: January 11, 2010

FROM: John Winkler, General Manager

- A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities for the month of December, 2009, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS:**
1. **Lori Laster**, Stormwater Management Engineer, has been elected as the Treasurer of the Nebraska Floodplain and Stormwater Mangers Association. Also, Lori has been notified that she has passed her test to become a Certified Floodplain Manager. Congratulations, Lori!!!
 2. The district received the 2009 Award of Merit for the 60 second Bob Kerrey Pedestrian Bridge Public Service Announcement from the Public Relations Society of American, NE Chapter. **Emmett Egr**, Information/Education Coordinator, accepted the award on behalf of the District.
 3. Attached is a picture of **Director Larry Bradley** and friend that appear in the Omaha World Herald reporting that he bagged an elk in New Mexico, (6x6 that scores more than 300 points (unofficial). Congratulations.
- 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, 2009. 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 14, 2009. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** The December, 2009 Papillion Creek Watershed Partnership Monthly Update is attached for your review. The next Partnership meeting will be held on January 28, 2010, at 10:00 a.m. at the NRC

F. **NEWS CLIPS:**

- ✓ December 2, 2009, Plattsmouth Journal article – Commissioners seek meeting with NRD board on MoPac trail extension
- ✓ December 10, 2009, Kearney HUB article – Carlson introducing two 2010 ‘fireworks’ water bills
- ✓ December 10, 2009, Omaha World Herald exclusive article – Pumpkin Creek case closed. Spear T Ranch settles an 8-year-old water rights dispute with its upstream neighbors.
- ✓ December 15, 2009, Omaha World Herald article – Future riverfront projects discussed
- ✓ December 15, 2009, Omaha World Herald article – Group gives MUD’s water low score. The Omaha utility says it exceeds all. Federal and state requirement
- ✓ December 15, 2009, Omaha World Herald article – Future riverfront projects discussed.
- ✓ December 21, 2009, Lincoln Journal Star article – State agency upholds Niobrara river status
- ✓ December 23, 2009, Omaha World Herald article – Pumpkin Creek and Beyond. Water woes unresolved.
- ✓ December 27, 2009, Lincoln Journal Star editorial – Niobrara survives another test.
- ✓ December 29, 2009, Lincoln Journal Star article – Niobrara River resolutions remains in limbo
- ✓ December 29, 2009, Kearney HUB article – MRNRD picks Option 3 for now; URNRD picks none
- ✓ December 30, 2009, Kearney HUB article – Of DNR’s 3 options, LRNRD picks No. 4
- ✓ December 30, 2009, Kearny HUB article – Deadline looms; NRD hopeful
- ✓ December 31, 2009, Lincoln Journal Star article – Many Nebraska lawmakers unsure of water solutions
- ✓ January 1, 2010, Omaha World Herald article – River issues to take center stage
- ✓ January 6, 2010, Omaha World Herald article – Ogallala Aquifer – Protecting a key resource
- ✓ January 9, 2010, Lincoln Journal Star article – Platte ice jams could be worst in year

G. **NOVEMBER 12, 2009 RALSTON RECORDER ARTICLE – LAKEVIEW SITE GETS OK FROM NRD:** Director Japp requested that this item be placed on the GM Report.

December 2009
Information and Education Report

Information

- Received recreation area signs. Will erect in the Spring.
- Completed Fact Sheet Template.
- Continued assisting on NARD PR efforts.
- Published SPECTRUM newsletter
- Wrote and submitted story on NRD River access sites to Omaha Newspaper.
- Completed NRD Facebook page.
- Inventoried VHS tape programs needing to be transferred to DVD for archiving.

Education:

- Chaired MORE Nature Steering committee meeting
- Creighton PLT/WET/WILD/LEP Curriculum workshop for 9 preservice teachers and 1 nonformal educator
- College of Saint Mary's WILD/LEP curriculum workshop for 16 preservice teachers
- Outdoor Classroom meetings:
 - Crestridge Magnet school met with Patricia Schweer
 - D.J. Gross High School met with Rich Carey
- Garden Bug program at Omaha Children's Museum for 21 children + parents
- Delivered seeds to Dakota County field office
- Finalized work on the projects info sheet
- Started work on a Pest Management program
- Met with Salvation Army at new Kroc Center to discuss programming
- Started to work with owls for education programming
- Started work on updating outdoor classroom grant packets
- Continued to plan the Envirothon training day
- Updated tree/seed postcards and started reserving tree orders
- Updated Water Works Application and arranged for mailing in January
- Met with Betsy Finch from Raptor Recovery to acquire NRD education birds
- Held Water Works 2010 planning meeting—Website, contracts updated
- Continued planning Earth Partnership Training for July 2010
- Continued planning for NRD summer camps/registration
- Earth Day Packets assembled and out to PAYBAC Partner
- Started working on Envirothon mailing

TROPHY BOARD



Name: Larry Bradley, Omaha

Species: Elk

Where: New Mexico

Size: 6x6 that scores more than 300 points (unofficial)

Additional information: Killed with a 330-yard shot from a Remington 270, federal premium ammunition, 130 grain rounds.

December, 2009

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Updated: December 14, 2009

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

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
- **Big Papio:** (Cleveland)
- **West Branch:** (Cleveland)
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - ★ Interlocal Agreement w/Papillion, Sarpy County, etc on W. Papio levee/bridge Improvements (P)
- **Western Sarpy Dike:** (Cleveland)
 - ★ Levee Segment 3 Right of Way Certification (temp easement) for Corps (W)
- **Floodway Purchase Program:** (Grint)
 - ★ Review Floodway Purchase title work & prepare PAs for King Lake properties (W)
 - Floodway Property purchase agreements as needed (F)
 - Prepare Amendment #2 to Waterloo Levee Design Interlocal Agreement (N)
- **Trail Projects:** (Bowen)
 - Western Douglas County Trail – purchase agreements, deeds, easements, etc. (F)
- **Missouri River Corridor Project:** (Becic)
 - Agreement for Omaha to maintain Missouri River Trail at N.P. Dodge North (P)

- **USDA PL 566 Projects, Silver Creek and Pigeon/Jones Watershed:** (Puls/Cleveland)
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - ✳ Papio W-3 Eminent Domain (Camden) (W)
 - ✳ W-3 Right of Way Certification for NRCS (W)
 - Silver Creek Site #11 Easements (F)
- **Papio Watershed Dam Sites:** (Grint/Petermann)
 - ✳ Interlocal Agreement with City of Omaha for DS 15 A (F)
 - ✳ Review HDR professional services contract for DS 15A (W)
 - ✳ Purchase Agreements and closing documents for WP5 (W)
 - ✳ Interlocal Agreement w/City of Omaha for ZB#1 (W)
- **Papio Creek Watershed Partnership (Stormwater):** (Grint)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites:** (Sklenar)
- **Other:**
 - Kennard Wastewater Closing (Grint) (F)
 - Radio system service agreement (Cleveland) (W)
 - ✳ Review agreement with UNO on Davis Prairie Data Shack Project (Henkel) (W)
 - ✳ Review of Missouri River Levees Tetra Tech professional services contract (Henkel) (W)
 - Review of USDA Agreement for Landowner Privacy (Puls) (N)
 - Review of Agreement for Burt County NRCS/NRD shared position (Puls) (N)
 - Review of Remodeling Contract for Dakota County Office (Puls) (N)

MONTHLY UPDATE

December 2009



A Partnership meeting was held on December 17th. Meeting minutes and other materials are updated regularly on the Partnership's website: www.papiopartnership.org.

Nebraska Department of Roads

At the October meeting, NDOR was present and shared that they have been designated as an MS4 and are required to have an NPDES permit. Gabe Robertson and Belinda Fowler answered some of the questions PCWP members have regarding the Memorandum of Understanding (MOU) NDOR wishes to execute with other MS4 communities regarding data sharing. One of the concerns of PCWP members was the NDOR's timeline for data sharing. NDOR has until 2011 to complete their mapping activities included in their current stormwater management plan. NDOR indicated that they will initially only be able to manually enter mapping data into a database, so no special format is needed for any data that is shared between communities. NDOR also indicated that in the future they would like to work with the Partnership on education and training activities. They are currently working on a stream restoration/wetland improvement project at their maintenance facility in Lincoln. They would be willing to present the project at the next Post Construction Stormwater Management Workshop in the fall of 2010.

CBI Systems Software

The City of Omaha has been working with CBI Systems, Inc. to obtain pricing for their MS4 software. This software would allow for all PCWP members to access one shared database for monitoring and reporting activities. On December 14, 2009, a webinar was held to introduce the members to the software. With the software, all activities that are listed in the NPDES permits can be tracked and annual reports can be automatically generated from the

database. The City of Omaha is currently looking into the technical capabilities required to host the software. CBI Systems will provide training classes for a fee once the software is purchased.

Douglas County Monitoring Data

Kent Holm from Douglas County Environmental Services was in attendance at December's Partnership meeting. Douglas County is requesting that the Partnership consider an agreement to be reimbursed for sharing monitoring data that is done collectively by the City of Omaha for the Partnership. A subcommittee meeting will be scheduled to discuss the request.

Runoff Control Training

The City of Omaha will provide Runoff Control Training to maintenance staff of the PCWP members in order to complete the Good Housekeeping activities listed in the current stormwater management plan. Due to the heavy snow, most maintenance crews are very busy. The training will be scheduled for March or April. Boys Town has offered to host the training at one of their facilities.

Upcoming Events

Mark your calendars for the annual Sediment and Erosion Control Seminar. The event will be held on February 3rd from 8am to noon at the Holiday Inn Central on 72nd & Grover. Immediately following the seminar will be a Stormwater BMP Maintenance Workshop at the Douglas/Sarpy County Extension Office, 8015 West Center Road.

Next Meeting: The next full Partnership meeting is scheduled for January 28th at 10:00 AM at the NRD office.



Commissioners seek meeting with NRD board on MoPac trail extension

Wednesday, Dec 02, 2009

Plattsmouth Journal

Patti Jo Peterson

Cass County Commissioners are hoping to meet with Lower Platte South Natural Resource District Board members to further discuss an alternate route for the MoPac Trail extension.

Commissioner Dave Nielsen, who also sits on the NRD board, agreed to help set up the meeting.

Commissioners hope to discuss terms of an agreement the NRD is asking the county to sign regarding the trail extension.

Commissioner James Engelkemier and Cass County Attorney Nathan Cox reviewed the agreement.

“We need to decide what parts to accept or not, and I’m not sure there are any parts we can accept,” Engelkemier said. “As it’s written, the question comes down to a consensus of commissioners on what we want to do on this trail.”

County board members want the NRD to consider placing the extension at 310th Street and incorporating South Bend, Elmwood and Murdock into it.

The agreement, however, does not include any alternate route proposal.

“I would like a representative of the NRD board to know this is what we want,” Engelkemier said. “We need to have the NRD and Cass County in an understanding agreement.”

Cox said the agreement came “out of the blue” and needed “a lot of work” before the county signed it.

“There was no discussion with commissioners about making this document,” Cox said.

The agreement also references “negotiating costs” regarding the extension through Cass County.

“Negotiate costs? That was out of the blue,” Cox said.

County Board Chairman Ron Nolte said he wanted to maintain the rapport established between the county, Nebraska Department of Roads and NRD board members.

“Commissioner (Jim) Peterson, Commissioner (Dave) Nielsen and I have met with the NRD. We’ve set a tone of cooperation and are working with the state road department. We have a goal to make this work,” Nolte said.

Nolte added that a feasibility study needed to be done before any agreement could come about.

“There is plenty of right of way width but that feasibility study has to be done,” Nolte said.

Nielsen said some stipulations had to be made regarding the trail.

“They wanted an easement, but they are going to buy the land,” Nielsen said.

Engelkemier added that the trail would only be of economic development value to Elmwood, Murdock and South Bend if it were hard-surfaced.

Nolte agreed.

“The problem with the trail from Lincoln to Elmwood is that it’s aggregate. People use the shoulder of the highway rather than the trail,” Nolte said.

For the trail to be placed along the commissioners’ preferred route, Engelkemier said 310th Street would need to be upgraded to state standards. County Road Superintendent Lenny Thorne has already mapped out what upgrades are needed, he said.

“It doesn’t require a lot, but we have that information we could provide to the NRD,” Engelkemier said.

He suggested the county board issue a statement explaining the commissioners’ intentions regarding the trail. “We need to come up with some public relations statement so our citizens understand,” he said.

Nolte said the new presidential administration was earmarking money for recreational trails.

“Let’s try to work together,” he said. “The money is there.”

Carlson introducing two 2010 'fireworks' water bills

Kearney HUB

12/10/2009

By Lori Potter

Sparks likely will fly in the Republican Basin and throughout Nebraska when Legislature watchers see two bills state Sen. Tom Carlson of Holdrege plans to drop into the hopper.

"This will be a fireworks bill, but I'm gonna do it," Carlson said Monday at the Central Nebraska Public Power and Irrigation District Board of Directors meeting in Holdrege after describing an aquifer depletion bill that would limit pumping when certain triggers are met.

Although the greatest concerns are for seriously depleted areas in the Upper Republican Basin and the Panhandle's Box Butte County, the regulations would apply in all 23 natural resources districts.

The standard set by Carlson's bill would be an aquifer's pre-development saturated thickness.

When declines surpass 10 percent, allocations and metered wells would be required if they weren't already in place. A depletion of more than 20 percent would trigger half allocations. If 30 percent is surpassed, there would be no allocation.

Carlson said the limits reflect circumstances for CNPPID water users the past five years when their surface water supplies were low. "You can only deliver what you can deliver," he said. "If it's zero, that would be no water."

CNPPID Natural Resources Manager Mike Drain said that if the bill's goal also is to protect against surface water depletions resulting from operating wells near rivers and streams,

"Remember that often an aquifer won't go into these levels of decline until the creek has already run dry."

Carlson also was reminded that pre-development timing varies across the state. "You have to start someplace," he replied.

Nebraska is in good shape compared to other Ogallala Aquifer states to the south, where huge depletions are widespread.

Carlson said that's a concern in the nation's breadbasket because of forecasts that ag production will need to double in the next few decades to feed the world. "If we deplete our aquifers, we won't be there," he said.

He expects more sparks to fly in response to his second water bill, which will better define within statutes the term "correlative rights," under which groundwater is governed in Nebraska and managed by the NRDs. In contrast, surface water's first-in-time, first-in-right rules are enforced by the Nebraska Department of Natural Resources.

Generally, correlative rights mean share-and-share alike in times of shortages, Carlson said.

However, one option in a proposed plan for Republican River Compact compliance in water-short years would set more strict, but varying, irrigation allocations. Carlson said the number for the Lower Republican NRD is 3.5 inches per acre.

Upstream irrigators in the Middle and Upper Republican NRDs would have higher allocations. "And depletions are out there, not here," he said, referring to LRNRD counties, Harlan, Franklin, Webster and Nuckolls, within his 38th Legislative District.

Carlson said the key to avoiding such drastic measures or compact noncompliance is to make sure the water-short year trigger - when water available in Harlan County Lake for irrigation is expected to be less than 119,000 acre-feet on Jan. 1 - isn't met. He said there should be augmentation projects that can raise lake levels above the trigger or add water downstream that will flow into Kansas.

There are no state funds for such projects at a time when a special session was required for cuts to balance the budget.

"That was not fun," Carlson said. "We did trim 330-some million out of the budget. Things are pretty lean."

"I think it is a state obligation. No one in the Republican Basin signed that contract (compact) ... ," he cautioned. "But if the state is responsible, the state will make the rules. It's gonna be regulation and harsh regulation."

Legislation passed in 2007 gave the basin's NRDs authority to levy a special property and/or per-irrigated-acre occupation tax to pay for augmentation water purchased from irrigation districts in 2007 and for future water projects.

However, the Nebraska Supreme Court ruled that the property tax was an unconstitutional local tax for a state purpose, interstate compact compliance. There's a similar legal challenge to the occupation tax.

Carlson is happy that the same bill, LB701, provided \$4 million for two years to clear invasive vegetation choking channels and consuming water in the Republican and Platte rivers.

He said it's estimated that 60,000 a-f of water was saved in the Republican Basin in 2008, and higher flows downstream of Harlan County Lake aren't causing flooding.

Without state money to continue the weed projects, other funds had to be found. The U.S. Department of Agriculture's Natural Resources Conservation Service committed \$1.5 million annually for three years, and Carlson expects that Nebraska Environmental

Trust officials will be "pretty good to us" when they announce their next round of grants early next year.

"It works," he said after describing benefits in the Republican Basin, "and I know the same thing is gonna be true in the Platte (Basin)."

Alyssa J. Smola

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Nebraska's NRDs - Protecting Lives, Protecting Property and Protecting the Future

WORLD-HERALD EXCLUSIVE

12.10.09

Pumpkin Creek case closed

■ Spear T Ranch settles an 8-year-old water rights dispute with its upstream neighbors.

B Y DAVID HENDEE

WORLD-HERALD STAFF WRITER

The lawsuit over the little western Nebraska stream that became a big State Supreme Court case is over.

Spear T Ranch has settled with more than a dozen upstream ranchers and farmers in a dispute between irrigators feuding over water in Pumpkin Creek.

The agreements end an eightyear legal quest by Rex Nielsen of Gering to stop his upstream neighbors from drying up the stream by pumping underground water and to pay him for lost creek flows.

Along the way, the Nebraska Supreme Court ruled for the first time how conflicts will be resolved between irrigators who pump underground water and those who divert water in streams and rivers.

"When you lose your water, it's disappointing how time consuming, difficult and incredibly expensive it is to try to get compensation for damages," Nielsen said Tuesday. "I hope this case has meaning."

Each of the defendants agreed to pay monetary settlements, said attorney Jeanelle Lust of Lincoln, who represented Spear T Ranch.

Neither Nielsen nor Lust revealed the total amount of the settlements. Nielsen's original claim sought \$4 million in damages.

"I don't think Spear T Ranch came out ahead on this," Lust said. "There is still no water (restored in the creek), and the defendants don't have to provide any water."

Pumpkin Creek is a remnant of an ancient stream that rises amid the Wildcat Hills near Harrisburg in the driest nook of Nebraska.

The stream flowed uninterrupted during the Dust Bowl years of the 1930s, but it couldn't survive soil conservation techniques and groundwater pumping for irrigation that robbed water from the creekbed during the last decades of the 20th century.

Nielsen, who has state-granted irrigation rights to water in the stream, asked the State Claims Board to award \$4 million in damages in 1991. The claim was rejected.

The ranch sued the state in 2002 and upstream neighbors in 2003. Nielsen claimed their groundwater pumping dried up the stream, and dried up the ranch's water rights.

Nielsen argued that underground water feeding the stream should be legally treated as surface water. This would mean that conflicts between stream diverters like Nielsen and pumpers of groundwater would be resolved on the basis of surface-water law, which grants rights based on the date a water claim is filed.

The case attracted significant legal attention. Nineteen parties were involved in the appeal to the Nebraska Supreme Court.

The Nebraska attorney general argued that applying surfacewater law to the Spear T Ranch case would legally undermine groundwater management laws and Nebraska's Republican River litigation settlement with Kansas.

The high court decided in 2005 that the ranch could sue the groundwater pumpers. To win, however, evidence would have to

show that the upstream groundwater pumping had a "direct and substantial effect" on the stream or caused unreasonable harm to the Spear T Ranch.

Nielsen said stream flows and groundwater pumping could coexist if the local water management agency — the North Platte Natural Resources District — would set that goal.

Lust said it will take comprehensive legislation to fix the problem, "rather than relying on individuals to sue their neighbors to see what they can get accomplished."

W-H 12.15.09

Future riverfront projects discussed

Bellevue will look to the firm that coordinated the initial development of a riverfront park for advice on what to do next.

On Monday night, the City Council approved a request by the city's public works department to obtain a proposal from RDG Planning & Design for future projects at the Kramer site north of the Bellevue Bridge.

Recent developments at the site have included two youth football fields, a road and parking lot, open green space and preliminary work on a fishing lake. One of the main items on the city's to-do list is lining the lake so its water level will not fluctuate with the levels of the adjacent Missouri River.

However, Public Works Director Jerry Hare said a discussion involving city staff, council members and representatives of RDG two weeks ago made clear that they needed a more detailed plan before proceeding.

According to a memo Hare sent the council, the proposal would include further work on the lake's design, including concrete footings for a pier and a fountain base, a trail, a possible amphitheater, a tree plan and expanded parking.

The improvements are being paid for using a matching \$495,000 Papio-Missouri River Natural Resources grant.

W-H 12.15.09

Group gives MUD's water low score

The Omaha utility says it exceeds all

■ federal and state requirements for safe water.

BY JOE RUFF

WORLD-HERALD STAFF WRITER

A national environmental organization has ranked Omaha's Metropolitan Utilities District near the bottom of big-city utilities for the quality of its drinking water, but MUD officials said the group misinterpreted key information.

The Environmental Working Group ranked MUD 94th out of 100 water utilities serving populations greater than 250,000. The top-ranked utility was in Arlington, Texas, and the worst was in Pensacola, Fla.

The biggest problem wasn't with MUD's performance but with hard-to-clean polluted water entering the system, said Richard Wiles, senior vice president for policy and communications at the Washington, D.C.-based group. No one using MUD water is likely to suffer an immediate illness, he said.

"We're saying there is a higher level of contaminants compared to other water systems," Wiles said.

MUD officials said that many of the Environmental Working Group's numbers for arsenic, nitrates, nitrites and other contaminants didn't match the numbers the utility has found in its testing of water as it reaches the public. Some of the group's numbers appeared to come from data gathered at wells and other water sources before the water was treated for public consumption, said Joel Christensen, vice president of water operations.

MUD said it exceeds every federal and state requirement for safe drinking water and shares its testing information with the public annually through a water quality report.

The Environmental Working Group said it obtained its data from the Nebraska Department of Health and Human Services.

Jack Daniel, who monitors the state's drinking water for the department, said he couldn't immediately comment on the report.

The state sent a lot of information to the Environmental Working Group, including sample tests from wells and other points within the distribution system, Daniel said.

"Their request of us was broad and inclusive," he said.

Wiles said the Environmental Working Group stands behind its report.

Christensen also said the group reported that MUD exceeded the legal limit for manganese, but there is no maximum contamination level for that mineral.

Too much manganese can stain faucets and other water fixtures black, but MUD's water doesn't reach that level, Christensen said.

"It's an aesthetic issue," he said.

The nonprofit research and advocacy group, which released the ranking last week, acknowledged that manganese is a

"secondary standard" set by the Environmental Protection Agency to help utilities manage non-healthrelated water qualities like taste, color and odor.

Wiles said manganese played an insignificant role in MUD's overall rating.

The group said it ranked utilities using three factors: total number of chemicals detected since 2004; percentage of chemicals found among those that were tested for; and the highest average level of each pollutant compared with legal limits for regulated contaminants or national averages for nonregulated contaminants.

The Environmental Working Group said the pollutants it found nationwide usually didn't violate legal standards, but they often came in combinations that raised questions about the longterm safety of drinking water.

MUD has said that it has had only one violation of federal drinking water safety standards, in December 2000, involving the disinfection process at the Florence plant. The water was disinfected later and no emergency was declared, MUD said.

The Environmental Working Group said it analyzed 20 million tap water quality tests performed by water utilities between 2004 and 2009. A total of 316 contaminants were found in water delivered to the public, the group said.

The EPA, however, has set enforceable standards for only 114 of the pollutants, the group said.

Christensen said the EPA might not set enforceable standards for some contaminants for several reasons, including a determination that they were not prevalent enough or there were no known health effects associated with them.

MUD spokeswoman Mari Matulka said the utility did not plan any further protests of the report.

"It's a group that did its own survey. We are regulated by the federal government and that's what we stand by."

Contact the writer:

444-1117, joe.ruff@owh.com

Future riverfront projects discussed

Omaha World Herald

12/15/09

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State agency upholds Niobrara River status

Lincoln Journal Star

Monday, December 21, 2009

JOE DUGGAN

Nebraska will continue to prohibit new diversions from a 250-mile stretch of the Niobrara River.

The order by the Nebraska Department of Natural Resources will please environmentalists but disappoint irrigators.

The decision affects the Niobrara from the Mirage Flats diversion south of Chadron to the Spencer Dam near Spencer. It includes the 76-mile stretch downstream from Valentine that is designated nationally scenic and is a popular destination for canoeists and tubers.

Department Director Brian Dunnigan upheld a January 2008 determination that the 250 miles is fully appropriated. The designation means the department will grant no new permits to divert the stream or drill wells within its watershed.

Four natural resources districts and one individual irrigator contested the fully appropriated designation. Dunnigan's 14-page order, issued Thursday, responded to claims that the designation was "arbitrary and capricious, or contrary to the law, and therefore invalid."

Dunnigan determined that the department used the best scientific information available and it followed a process laid out by state law.

The NRDs also argued the department ignored data showing the river was not fully appropriated and the map showing where no new wells could be drilled was flawed. Dunnigan called those arguments "unfounded."

"I guess it was kind of what I expected," said Mike Murphy, general manager of the Middle Niobrara NRD in Valentine. "Since it's taken the length of time that it has, I would fully expect the director to support the staff's finding."

The parties that contested the finding could appeal the determination in court, but Murphy said such a decision has not yet been made.

Dunnigan's decision also means the Natural Resources Department and the NRDs can start working on integrated management plans for the fully appropriated area. Such plans allow for the continued use of the river in ways that prevent it from becoming over-appropriated.

Mel Thornton, president of the Friends of the Niobrara, said he hopes the parties will move forward on the integrated management plans. He wasn't surprised the fully appropriated designation was upheld.

"If they can get on with what they are supposed to be doing, that would be wonderful," he said.

Reach Joe Duggan at 473-7239 or jduggan@journalstar.com.

PUMPKIN CREEK AND BEYOND

Water woes unresolved

Settlement of an important Pumpkin Creek lawsuit, which pitted a western Nebraska surface-water irrigator against irrigators who use underground wells, hasn't decided anything. It has, however, illuminated a tangled web of rights, wrongs and unfinished business.

Rex Nielsen of the Spear T Ranch near Gering, Neb., sued the state in 2002 and a dozen ranchers and farmers upstream from his property on Pumpkin Creek in 2003. He wanted underground irrigators to stop pumping water and reimburse him for losses.

Their actions, he said, had dried up Pumpkin Creek and negated his senior surface-water right.

But, after a recent undisclosed settlement, Nielsen will apparently continue to have a dry creek. Each upstream defendant agreed to monetary damages, but it's probably not enough to compensate Nielsen for eight years of litigation, aggravation and still no water.

During the years of litigation, the Nebraska Supreme Court ruled for the first time on how irrigators who use underground water and those who employ water from streams and rivers must settle their differences: sue. In 2005, the high court ruled that Spear T must take groundwater pumpers to court.

The Nielsen settlement is a direct result of that decision. The rancher spent time and money, a great deal of it, on a lawsuit that conceivably could have clarified the relationship between surface-water and groundwater irrigators. It's hard to criticize him for ridding himself of this albatross, which could have consumed many more years and dollars and still have gotten him nowhere.

But it leaves the question unresolved. It is neither fair nor just that surface-water irrigators must go to court to uphold rights granted to them by the state.

Neither is it fair nor just that irrigators using underground water can take and take, without regard for the effect of their taking on downstream users.

Nielsen's lawsuit had argued for a simple solution: Treat groundwater feeding a stream the same way surface water is treated. That would extend the first-in-time, first-in-right principle to underwater irrigators, whose wells are, for the most part, newer than surface-water rights. In so doing, it would shift control from underground to surface irrigators.

A simple solution indeed, but a wrong solution.

Neither type of irrigator should dominate the state's water, a resource that should be managed and maintained for all Nebraskans.

The entity that should decide what's best for every citizen is obvious: the state Legislature. When lawmakers reworked state water laws, they gave control over surface water to the state Department of Natural Resources and control over groundwater to the state's locally elected natural resources districts. It was a necessary compromise at the time.

But it is a compromise that has led to the present divided management system. It also has led to worrisome uncertainties for surface-water irrigators, who have no real say over upstream pumping, and for entities such as the Central Nebraska Public Power and Irrigation District, which has obligations to downstream surface irrigators.

Nebraska's water resource is one of the state's greatest assets. That water resource contains both surface water and groundwater. A divided system is illogical and ill serves the state as a whole.

Fixing this will be difficult, slow and messy, but it's time for lawmakers to wade in. This is a politically charged controversy, but only they can settle the conflicts once and for all.

Niobrara survives another test

Lincoln Journal Star

Editorial

Sunday, December 27, 2009

Those who want to see the Niobrara River continue as a full-flowing stream can heave a sigh of relief at the decision to continue a ban on further diversion and wells.

The ruling eliminates for now at least one of the threats facing the river in northern Nebraska.

The Niobrara River is one of the state's natural treasures, valued by canoists and others for its beauty, wildlife and opportunity for outdoor recreation.

As many as 30,000 people a year canoe and ride tubes on the river. A 76-mile stretch has been designated a National Wild and Scenic River because of its sandstone cliffs, vistas of pine-covered hills and waterfalls.

The decision by the Department of Natural Resources upholds a ruling made in January 2008 that the river was fully appropriated. The ruling had been challenged by four natural resources districts and one individual irrigator.

There has been considerable uneasiness about the future of the river in recent years as irrigators eyed it in an era in which soaring grain prices gave landowners a financial incentive to expand the number of irrigated acres in the area.

That unease deepened this fall when the Nebraska Game and Parks Commission pulled a resolution to move ahead on a plan to seek an in-stream flow right to guarantee a minimum amount of water in the river for fish, wildlife and recreation.

Niobrara River advocates said the department needed to be ready to act quickly if the ruling that the river was fully appropriated were ever reversed.

Now the battle for the future of the river presumably will shift to the Legislature, where a bill, LB438, is pending that would strip the department of the right to grant an in-stream flow right in a fully appropriated river.

Meanwhile, the Game and Parks Commission should continue its studies of the river's ecology and hydrology in preparation to apply for an in-stream flow right

The path is also now clear for the department and natural resources districts to work on an integrated management plan to allow for continued use of the river in ways that will prevent further depletion of the river flow. State law calls for development of such a plan when a river is declared fully appropriated.

It's encouraging that the department once again has concluded that the Niobrara is fully appropriated, but the ruling provides no sense of finality. Further controversy is inevitable, and the river is still one of the nation's most endangered.

Niobrara River resolution remains in limbo

Lincoln Journal Star

By JOE DUGGAN

December 29, 2009

A resolution to advance instream flow protection for the Niobrara River will not be voted on at the January meeting of the Nebraska Game and Parks Commission.

The so-called Niobrara resolution, introduced by Game and Parks staff in October, will not be on the agenda when the nine-member board of commissioners meets Jan. 15 in Lincoln, Commission Director Rex Amack said Tuesday.

There is no need to rush the agency's instream flow application for the Niobrara, Amack said, because the state Department of Natural Resources recently affirmed the river's status as fully appropriated, meaning no new water rights can be appropriated.

"That gives the river as much protection as anything else," he said.

Instead, the director said he wanted to wait for scientific river studies to be finished before asking commissioners to act.

An instream flow would keep a designated amount of water within the stream for fish, wildlife and recreation. Only Game and Parks and natural resources districts can obtain instream flow rights.

The leader of a group that advocates for wildlife and recreation on the Niobrara said the resolution would poise the agency to apply for an instream flow if the fully appropriated status were to change.

"I'm very disappointed," said Mel Thornton of Lincoln, president of the Friends of the Niobrara.

Declaring a river basin fully appropriated shuts off new water right applications. The Niobrara resolution sought the authority for commission staff to obtain a variance, which in turn would allow it to file an instream flow application when it is ready.

If the commission waits and the river's status changes, irrigators could get applications in ahead of the state. The law grants applications based on the order in which they are received.

There's no downside to acting now, Thornton said, but there is a potential cost to waiting.

The commission voted in 2006 to develop an instream flow application for the Niobrara. It has since spent about \$720,000 on studies to support an application, but it's not clear when the studies will be completed.

The Niobrara, which runs through northern Nebraska, is considered perhaps the most ecologically significant stream in the state. It attracts about 30,000 canoeists and float tubers each year.

MRNRD picks Option 3 for now; URNRD picks none

Kearney HUB

Tuesday, December 29, 2009

By PAT UNDERWOOD Hub Regional Correspondent | [0 comments](#)

CURTIS — Directors in the Middle Republican and Upper Republican natural resources districts decided earlier this month to select an option that they don't plan to use for water-short-year compliance with the Republican River Compact.

Middle Republican NRD General Manager Dan Smith of Curtis said that at his board's Dec. 17 meeting the directors "did not adopt anything, but selected Option 3 for consideration."

That compliance option is to shut down rapid-response wells near the river and its tributaries in years defined as water-short based on water levels in Harlan County Lake.

Smith said his board agreed to follow the structure for Option 3 for now, which involves developing rules and regulations to implement the option and scheduling required public hearings to adopt new rules. "However, our intention is to develop something over and above Option 3 that would keep us from ever getting there," he said.

Upper Republican NRD Assistant Manager Dirk Dinnel of Imperial said his board voted Dec. 1 to not adopt any of the three options. The motion was "to send a letter to DNR (Nebraska Department of Natural Resources) stating that it was the district's intent to show support for Option 3 but also to mention funding in the letter."

Smith said NRD officials hope to work with the Nebraska Legislature on river augmentation projects and other ideas to avoid shutting down irrigation wells as called for in Option 3.

DNR documents provided to the NRDs say Option 3 includes curtailing surface water use and curtailing groundwater use in areas where pumping of a well for two years will deplete the river or baseflow tributary by at least 10 percent of the amount pumped.

The option says additional pumping reductions in the future likely would be required to sufficiently reduce streamflow depletions. That would be accomplished by using incentive programs for the voluntary reduction of irrigated acres.

Of DNR's 3 options, LRNRD picks No. 4

Kearney HUB

Wed Dec 30, 2009.

By PAT UNDERWOOD Hub Regional Correspondent | [1 comment](#)

ALMA — Facing a Dec. 31 state deadline to select from among three Department of Natural Resources options for Republican River Compact compliance in water-short years, the Lower Republican Natural Resources District Board of Directors has chosen not to choose.

Emerging from a 6½-hour executive session with attorney David Domina of Omaha at their special meeting on Monday, the LRNRD Board of Directors voted unanimously to table the matter until they meet again Jan. 14.

“We will be sending a letter to DNR reporting our progress,” said LRNRD Board Chairman Nelson Trambly of Campbell.

DNR presented three compact compliance options to the Republican Basin NRDs in October. One of the options calls for significant reductions in annual pumping volumes for all groundwater users during all years, and the other two options call for irrigation well shutdowns in selected areas of the Upper, Middle and Lower Republican NRDs during potential dry years.

“We are energetically working on a fourth option and hope to have something ready to present at the Jan. 14 meeting,” LRNRD General Manager Mike Clements said Monday night.

The Upper and Middle Republican NRDs voted on the matter earlier this month.

The Middle Republican NRD board of directors voted on state compact compliance options Dec. 17. According to General Manager Dan Smith, “the board did not adopt anything, but selected Option 3 for consideration.”

Option 3 calls for restricting water use close to the river as a rapid response during water-short years.

What this means, Smith said, is that the Middle Republican has agreed, for the time being, to follow the structure for Option 3. Doing that involves developing rules and regulations for implementing the option and planning for a required public hearing on adopting the rules.

“However,” Smith said, “our intention is to develop something over and above Option 3 that would keep us from ever getting there.”

He said the NRD hopes to work with the Nebraska Legislature on possible augmentation programs and other ideas to enable the NRD to avoid ending up having to shut down irrigation wells as called for under the option.

Deadline looms; DNR hopeful

Kearney HUB

December 30, 2009

By PAT UNDERWOOD Hub Regional Correspondent

ALMA — Officials with the Nebraska Department of Natural Resources still hope to reach agreements with three Republican Basin Natural Resources Districts on Republican River Compact compliance options, according to DNR Deputy Director Jim Schneider.

This despite the fact that the state's deadline will pass Thursday with none of the NRDs having fully accepted any of the state's options to address water-short years and the need to satisfy Kansas on its allocation of Republican River water.

Nebraska is required to present a plan for Republican River Compact compliance to the arbitrator in the Kansas v. Nebraska and Colorado lawsuit in which a final decision was issued June 30, 2009.

Nebraska authorities face a series of internal deadlines in preparing that plan, Schneider said, and one such deadline is Thursday, when Republican Basin NRDs must choose an option for compliance in water-short years.

The state could face litigation by Kansas if Nebraska fails to present an acceptable plan.

In their annual forecast meeting in Curtis in November, DNR predicted 2010 will not be water-short and 2011 also is not likely to be water-short. This does not change the state's requirement to submit an acceptable plan to the arbitrator, Schneider explained at the November meeting.

"We did have a deadline we needed to meet, and obviously we aren't going to meet it now," Schneider said Tuesday, after learning that the Lower Republican NRD Board of Directors decided Monday not to choose from among the state's three options.

LRNRD General Manager Mike Clements said the LRNRD board is working on a fourth option to present to the state in January.

Earlier in December, the Middle and Upper Republican NRDs also chose not to adopt any of the state's options, although both issued meticulously worded statements expressing some support for DNR's Option 3. That option calls for curtailment of surface water use and groundwater pumping in a rapid response area if needed during water-short years, along with additional pumping reductions in the future.

The LRNRD did not express similar support for Option 3 at its special meeting Monday.

"We are confident we can move forward with the Upper and Middle Republican NRDs based on the actions they have taken," Schneider said. "It is a positive step, and although there is some additional work to do, we are pleased that they are keeping the ball rolling.

"We are hopeful we can still move forward with the Lower Republican NRD," Schneider added. "We don't know yet what the LRNRD's other option is, but we'll continue to work with them."

The Upper Republican NRD voted on the matter at its Dec. 1 meeting. Assistant Manager Dirk Dinnel said the Upper Republican also did not adopt any of the three options. He said the board "voted to send a letter to DNR stating that it was the district's intent to show support for Option 3, but also to mention funding in the letter."

Option 3, according to Department of Natural Resources documents provided to the NRDs, includes curtailment of surface water use as well as curtailment of groundwater pumping in a rapid response area if needed to ensure compliance during potential dry years.

This area is defined as the area within which pumping of a well for two years will deplete the river or a baseflow tributary by at least 10 percent of the amount pumped over a two-year period.

The option states that additional pumping decreases in future years would likely be required in order for this small rapid response area to sufficiently reduce depletions when needed, with the pumping reductions to be accomplished via voluntary reduction of acres through "incentive programs" the state did not identify in the option.

e-mail to:

betsy.friedrich@kearneyhub.com

On the net

The full DNR Republican Basin compact compliance option report is posted on the agency's Web site at www.dnr.ne.gov, click on Republican Settlement at the bottom of the right column. For related maps, visit the site at http://dnrdata.dnr.ne.gov/download/RRCA/RRCA_09/Rapid_Response_Maps/ (updated 9 a.m. 12-30-09)

State Compact Compliance Options

- Option 1 sets pumping volumes low enough for a natural resources district to remain within its share of the state's allowable depletions during all years. Also, surface water use would be curtailed if needed to ensure compliance during potential dry years. All groundwater users would be treated equally.
- Option 2 curtails surface water use and groundwater pumping in a "10 percent, five-year rapid response area." It's defined as an area where pumping from a well for five years will deplete the river or a baseflow tributary by at least 10 percent of the amount pumped.
- Option 3 curtails surface water use and groundwater pumping in a "10 percent, two-year rapid response area." It's defined as an area where pumping from a well for two years will deplete the river or a baseflow tributary by at least 10 percent of the amount pumped. It's believed the reductions can be accomplished by a voluntary reduction of irrigated acres through incentive programs.

Republican Basin interests also have discussed meeting compliance needs with projects to augment river flows to Kansas or increase the water level in Harlan County Lake to avoid triggering a water-short-year designation.

Many Nebraska lawmakers unsure of water solutions

Lincoln Journal Star

By NATE JENKINS The Associated Press

Thursday, December 31, 2009

Questions on Republican River basin water

Nebraska state senators were asked the following question:

Nebraska is in a compact with Kansas and Colorado to regulate water usage in the Republican River basin. Should Nebraska use state general-fund tax dollars to keep in compliance (i.e. to pay any penalties for overuse or pay irrigators for water rights to send more water to Kansas), or should irrigators be required to reduce the amount of water they use?

Use dollars: 2 (Hansen, Stuthman)

Require irrigators to use less water: 6 (Avery, Cook, Howard, Loudon, McCoy, Pahls)

Selected both answers: 5 (Coash, Carlson, Harms, Karpisek, Wightman)

Unsure: 14 (Adams, Campbell, Conrad, Fischer, Flood, Gloor, Hadley, Heidemann, Janssen, Lautenbaugh, McGill, Nelson, Rogert, Sullivan)

Didn't select answer: 7 (Christensen, Dierks, Fulton, Haar, Pirsch, Schilz, Utter)

Not participating: 15 (Ashford,

Nebraska lawmakers don't see any easy answers to a complicated mix of water problems in the Republican River basin.

Only 13 of the 34 lawmakers who responded to an annual, pre-session survey by The Associated Press said less irrigation, state general-fund tax dollars or a combination of both should be used.

Illustrating the complexity of the issue, a majority of lawmakers who responded to the survey said they were either unsure whether regulations or state dollars were the answer, or didn't answer the question.

"We have already utilized general-fund dollars, and we have already required irrigators to use less water," said Sen. Tony Fulton of Lincoln, one of seven who didn't select an answer.

"Going forward, both local and state government will be part of the solution, and we should not structure our solution to depend on general-fund dollars continually."

Fourteen senators said they were unsure whether regulations or more state money should be used.

Legal challenges have restricted the ability of natural resources districts in the basin to raise money on their own for buying surface water and taking steps to keep Nebraska in compliance with the river compact that includes Kansas and Colorado.

Attempts by Kansas to collect millions in penalties from Nebraska for overusing water in recent years were rebuffed by an arbitrator this summer, but Nebraska was told to come up with a better plan to stay in compliance with the compact.

The districts are working on new rules that would significantly reduce irrigation during dry years, defined as when Harlan County Lake is less than about one-third full.

"Don't shut an irrigator off to zero water ... without just and fair compensation," said Sen. Tom Carlson of Holdrege. Carlson was one of five lawmakers who said both less water use and more state tax dollars are needed. "The state signed the compact, irrigators didn't," Carlson said.

Recently, the Curtis-based Middle Republican NRD voted to accept a plan that would shut off wells within about 1 1/2 miles of the river when Harlan County Lake is especially low.

But the board said it didn't like the so-called "option three" plan and is hopeful it can reach agreement with the state to instead reduce water allocations equally across the basin.

The Imperial-based Upper Republican NRD approved option three in early December.

Irrigators and managers of the NRDs say public perceptions that there is unbridled irrigation in the basin are inaccurate and point to statistics showing that the amount of water used per acre is significantly less than it was a decade and more ago.

Just six of the lawmakers who responded to the survey said less water use, not state money, is needed. Just two said more money, not less water use, was needed.

River issues to take center stage

By David Hendee
WORLD-HERALD STAFF WRITER

1/2/01

Want more recreation in and along the Missouri River?

How about better water quality, improved habitat for fish and wildlife, or changes in flood control, navigation or water supply?

A chance to speak on these issues comes next week when the Army Corps of Engineers hosts a meeting in Omaha.

The two-hour focus-group session is scheduled for 5:30 p.m. Jan. 14 at the Benson Library, 2918 N. 60th St.

The meeting will be part of a first-ever review of the 1944 legislation that spawned the system of dams and reservoirs that created the modern Missouri River.

"We'd like to see the place fill up. The more feedback you get, the more and better information you have to deal with," said Paul Johnston, a corps spokesman in Omaha.

Johnston said the meeting will give varied Missouri River interest groups an opportunity to identify what's important to them.

"I'm pretty confident there will be people putting forth new ideas, and I expect there will be folks who would like to establish some sort of hierarchy of purposes that isn't there now," he said.

Changes in how the Army manages the Missouri would come only if Congress changes guidelines it set 65 years ago.

Based on Congress' current marching orders, Army engineers manage the river for flood control, navigation, irrigation, power, water supply, water quality, recreation and fish and wildlife.

States in the river basin have disagreed over how river water is used. For example, upstream states — Montana, North and South Dakota — say the release of water to float downstream barges hurts recreation and wildlife in the upstream states.

The Missouri is a complex system that includes six large dams and reservoirs on the main stem of the river from Montana downstream to Nebraska. The basin drains one-sixth of the United States. The river flows past Omaha and is a source of drinking water for Nebraska's largest city.

The Omaha meeting is the fourth of nine planned across the basin through February. It will be led by an independent facilitator.

Invited representatives of a variety of organizations will be asked questions designed to define the issues and shape the study and analysis. After the question session, other members of the public will be invited to comment.

More public meetings to define the size and shape of the study are planned this summer.

A final report documenting findings and making recommendations to Congress is due at the end of 2014. Congress approved \$25 million for the study.

OGALLALA AQUIFER

Protecting a key resource

Nebraska State Sen. Tom Carlson will raise a needed warning flag in the just-begun legislative session over a water issue that hasn't received the attention it deserves: safeguarding the Ogallala Aquifer.

State water specialists and elected leaders have concentrated on the interrelationship of ground- and surface water in recent years, and rightly so. State law was decades behind in recognizing and regulating underground water consumption by irrigators.

It still lags badly in mediating disagreements among users of underground and surface water.

The Ogallala is a tremendous blessing for farmers, underlying almost the entire western and central portions of Nebraska. It also is located underneath parts of South Dakota, Wyoming, Colorado, Kansas, Oklahoma, New Mexico and Texas, but Nebraska's share is some two-thirds of the volume of water, far more than for any other state.

The aquifer has allowed the High Plains to become the leading irrigation area in not only the United States but also the Western Hemisphere. And Nebraska is the biggest irrigator on the aquifer.

Some states, such as Kansas and Texas, have had to regulate and curtail water use from their portions of the underground pool due to groundwater mining — that is, taking more than is replenished each year.

In some areas, water levels have fallen more than 100 feet since large-scale irrigation got underway 70 years ago.

Nebraska's aquifer wealth has spared it from regulation so far, but now the responsible course is to look toward the future. Carlson has proposed an aquifer depletion bill to limit pumping when certain triggers are met.

"Nobody," he said, "can say that pumping the aquifer until it's gone is a good idea."

A proposal with such wide-ranging ramifications would deserve thorough scrutiny and debate, of course, and at any rate it may not make it out of committee.

But Carlson is right to raise the aquifer issue and its long-term importance for the state.

Two areas of the state — Box Butte County in the Panhandle and the upper region of the Republican River — have depleted aquifers and would be most immediately affected by the senator's plan, though it would cover every county and natural resources district.

In central Nebraska, the level of the Ogallala has actually risen since 1980, due to rainfall and other moisture. Advanced irrigation technology and water and soil conservation measures such as terraces also contribute to recharge.

Carlson, who said he believes his recommendation will set off "fireworks" in the Capitol because it involves regulation of irrigation, would measure depletion from the aquifer's pre-development saturated thickness. He indicated that good records of those levels exist.

When declines topped 10 percent, he said, his legislation would require metered wells and water allocations if they weren't already in place. A depletion of more than 20 percent would cut allocations in half.

And a 30 percent decline would shut off the wells altogether.

Carlson said that when the aquifer recovered, the pumps could be revved up again. The Ogallala's rate of recharge varies by area, but the average is 1 inch annually over the eight-state region.

The senator said he was working on a recharge plan that could mitigate the severity of the cutbacks.

Options include more reservoirs, farm ponds and dams, which seep water into the aquifer. Water conservation and efficient use also help, he suggested.

"If we do something quickly enough," he said, "the vast majority of the state will have no problem. We can be good stewards of what we have so it will be there" for Nebraskans in the future.

And for the future of the world as well. Carlson said that his motivation for looking at the aquifer was born at an agricultural conference recently, where he learned that ag production will have to double in 20 years to feed the world. Nebraska can meet that challenge, he said, and in the process make tremendous economic progress. The biggest limiting factor: water for irrigation.

The Ogallala issue won't likely be resolved in one legislative session, but lawmakers need to pay attention to it. Nebraska leaders need to look at the realities of the Ogallala before depletion problems, which now are relatively small, become widespread.

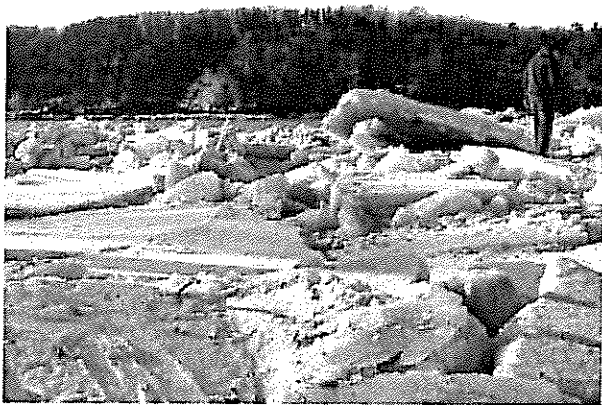
Their attention during this session, at Carlson's urging, is a welcome development.

Platte ice jams could be worst in years

By ALGIS J. LAUKAITIS

Lincoln Journal Star

Saturday, January 9, 2010



Huge chunks of ice piled up along the Platte River bank near Fremont in 2007 when ice jams clogged the river. Officials are concerned this year's snow and ice could create the worst ice jams in a decade. (Fremont Tribune file photo by Evan Nordstrom)

While road crews struggle to clear snow from streets and highways, emergency management officials are keeping an eye on the Lower Platte River -- preparing for what could be the worst ice jam season in more than a decade.

Three storms buried much of the Lower Platte River Basin in snow, and below-zero temperatures have frozen the Platte and two of its tributaries, the Elkhorn and Loup rivers.

"The conditions probably look worse than they have for a number of years as far as the potential (for ice jams). We'll see what Mother Nature delivers," said Marlin Petermann of the Papio-Missouri River Natural Resources District based in Omaha.

Petermann and others are concerned a sudden thaw in late February or early March will melt the snow and the ensuing runoff will swell the river and break up the ice too quickly, creating the potential for massive jams.

In the past, some jams stretched for miles, causing flooding in low areas. In 1993, for instance, a 6-mile-long jam forced the river through Lincoln's well fields near Ashland, jeopardizing the city's drinking water supply.

Petermann and other officials would prefer a gradual warming trend starting as soon as possible.

Warmer weather is in the forecast, beginning today with an expected high in the mid-20s.

"If we get a long warm-up period and it would melt some of this snow off, we could be in good shape," Petermann said. "The longer you get into March without the warming trend, the greater the possibility we will get a quick warm-up and a quick break-up."

Weekly monitoring of the Platte near Valley and Ashland will start this week to keep track of ice thickness, Petermann said.

Right now, they don't know how thick the ice is.

Reports will be sent to the Nebraska Emergency Management Agency and forwarded to the state Department of Natural Resources, which maintains an ice data base.

A dynamiting company, which is on a retainer, has been notified its services might be needed to break ice jams if conditions worsen, Petermann said.

Petermann said they would prefer not to use dynamite - first used on the Lower Platte in 1997 - because it costs at least \$50,000 per day.

"It's a last-resort measure, and we don't want to do that," he said.

Officials were prepared to dynamite the river last year near U.S. 6 in the Ashland area but the ice broke up at the last minute and flowed downstream.

"We had them on high alert," Petermann said. "Hopefully, we can escape another year."

Before dynamite is used, agencies will try dusting problem areas with coal ash, which can hasten melting. That technique has been used in the past with limited success. The state Emergency Management Agency is getting necessary environmental permits in anticipation of doing such work.

Ice on the Platte has already caused problems on the supply canal operated by the Central Nebraska Public Power and Irrigation District based in Holdrege.

In addition to clogging up the river, the ice is causing problems with measuring equipment and accumulating on canal-control structures.

Kevin Boyd, division manager based in Gothenburg, said Central's entire system, which includes hydroplants, is running at half capacity.

Boyd said jams have been reported along the Platte between Overton and Elm Creek but they should not affect the canal.

"This is normal winter-time operations that you have to deal with," said Boyd, who has been with the district for more than 30 years. "We feel pretty fortunate right now."

Reach Algis J. Laukaitis at 402-473-7243 or alaukaitis@journalstar.com.

Teer, Pat

From: Winkler, John
Sent: Saturday, January 02, 2010 10:54 AM
To: Grint, Amanda; Teer, Pat
Cc: Petermann, Marlin
Subject: FW: John

Dear Pat:

Please place as this request on the G.M. report for the January Board meeting.

Thanks,

John W

From: sjapp [sjapp@huntel.net]
Sent: Friday, January 01, 2010 10:12 AM
To: Winkler, John
Subject: John

John

Please put on the agenda for the upcoming board meeting the NRD's approval of the former Lakeview Golf Course! I asked last month to put this agenda own the PCWP and this was not done. Marlin Petetrmann choice not to include this in the agenda.

I would like to know why we are allowing the filling of more than 25% of the flood plan?
I also like to know why we are using or dike for the development?

Scott

Teer, Pat

From: Egr, Emmett
Sent: Thursday, November 12, 2009 10:53 AM
To: Winkler, John; Petermann, Martin; Grint, Amanda; (asmola@nrd-net.org); Teer, Pat; Laster, Lori
Subject: Lakeview Dev. Ralston Recorder article

Ralston Recorder 11/12/09

Lakeview site gets OK from NRD

By Adam Klinker, Recorder Correspondent

Plans for and work on a residential development at the site of the former Lakeview Golf Course have so far met all requirements under regulations handed down from the local body that governs such development.

Since construction plans on a 350-unit apartment complex at the site in northeast Ralston were announced last year, residents in the area expressed concern over building in the 100-year floodplain of the Big Papillion Creek – the development's eastern boundary.

According to officials with the Papio-Missouri River Natural Resource District, the development is meeting all of its obligations at the local, state, and federal level.

In its role as a technical adviser to local governments and developers, the NRD aids in the planning stages of a project. It ensures that plans and designs are meeting with all applicable local, state, and federal laws and regulations.

"We've reviewed all sorts of documents and plans," said Amanda Grint, water resources engineer at the Papio NRD. "They've met all the criteria that we've asked of them. We've talked with the developer and Ralston throughout the process and we're happy with that."

Grint added there are existing drainage problems, but the developer, Key FM Lakeview, is working to resolve them.

"I'm not sure that it will entirely solve the problems," Grint said. "But the development won't make things worse."

Ralston Mayor Don Groesser added the city has worked with developers to ensure potential flooding would be directed away from buildings and toward planned stormwater basins and wetlands.

"We took a look at that in the design of the buildings," Groesser said. "A lot of our work in the planning was to make sure any flooding would be parking lot issues, not building issues."

A central concern was the one-foot fill requirement imposed by the city of Ralston via state and federal regulation. The requirement states that when building in a 100-year floodplain, the lowest floor of a building must be elevated one foot above the floodplain.

With 110,000 tons of dirt being backfilled at the site, Papio NRD Assistant General Manager Martin Petermann said his office is satisfied both the city and the developer are doing what's necessary for floodplain construction.

"Certainly, much of that area is in the floodplain of the Big Papillion Creek," Petermann said. "But with the dirt they're bringing in, from what we've seen in the plans, they should be able to elevate to that one-foot level."

The one-foot fill regulation relates to national flood insurance standards – meaning that similar state and local regulations must be at least as restrictive as the one imposed at the federal level.

Petermann and Grint said the dirt, from the Loess Hills overlooking the Missouri River, should provide proper compaction and runoff traits in the event of flooding.