

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: July 6, 2009

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 June, 2009, is attached for your review.
- B. **MISCELLANEOUS/PERSONNEL ITEMS:**
1. Congratulations to **Brian Henkel**, Groundwater Management Engineer, who passed his Professional Engineers exam. Good work, Brian.
 2. Thank You – Attached is a thank you note from Michelle Drake, Office Manager of the Big Brothers/Big Sisters of the Midlands thanking the District for the use of the Board Room their staff retreat.
- 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 June, 2009. Please review this report and contact me if you have any questions.
- D. **PAPILLION CREEK WATERSHED PARTNERSHIP REPORT:** The June, 2009 Papillion Creek Watershed Partnership Monthly Update is attached for your review. The next Partnership meeting will be held on August 27, 2009, at 10:00 a.m. at the NRC
- E. **NEWS CLIPS:**
- ✓ June 1, 2009, Omaha World Herald article – New Plaza A Splash Hit. Bridge gets added drawing power.
 - ✓ June 22, 2009, Douglas County Post Gazette article – NRD considers changing board meeting start time.
 - ✓ June 22, 2009, Douglas County Post Gazette article - Efforts to rid Platte River of vegetation continue
 - ✓ June 23, 2009, Omaha World Herald article – Corps defends its Missouri River plan,
 - ✓ June 25, 2009, Omaha World Herald article – State, federal roadblocks slow \$70 million in local roads projects.
 - ✓ July 1, 2009, Omaha World Herald article – Ruling favors Nebraska but doesn't settle dispute over river. Bruning says progress on flows being made.
 - ✓ July 5, 2009, Omaha World Herald editorial – Republican River Arguments – There's no end in sight

- ✓ July 5, 2009, Omaha World Herald editorial cartoon – Water, Water.....
- ✓ July 6, 2009, Lincoln Journal Star article – Wanahoo dam ahead of schedule

*F. **CHANGE TIME OF BOARD MEETINGS:** The Board postponed action on amending District Policy 4.0 Board Meetings – Regular Monthly Meetings. The amendment would change the start time for Board meetings from 8:00 p.m. to 7:00 p.m. It is management's recommendation that the following resolution be adopted:

BE IT RESOLVED that the following amendments to District Policy 4.0 be adopted and incorporated into the District Policy Manual:

4.0 Board Meetings - Regular Monthly Meetings. Unless otherwise designated by the Board, the regularly scheduled monthly meeting of the Board shall be held on the second Thursday of each month, at the principal office of the District. Each meeting shall begin at ~~8:00~~ 7:00 p.m. unless otherwise designated. If, prior to the meeting time the General Manager and the Chairperson determine that weather conditions are or will be dangerous for travel to and from the meeting, the regularly scheduled monthly meeting shall be postponed until ~~8:00~~ 7:00 o'clock p.m. on the Thursday following such scheduled meeting date, or, if such date is a legal holiday, until ~~8:00~~ 7:00 p.m. on the second Thursday following such scheduled meeting date. The General Manager shall cause every reasonable effort to be made to notify each director of such postponement.

[December 5, 1986; December 8, 1988; July 9, 2009]

June 2009
Information and Education Report

Information

- * Continued work on design of river access brochure
- * Continued work on update of NE NRDs Rec Areas brochure
- * Continued work on budget preparation
- * Continued work on media campaigns
- * Attended NARD meeting on public relations planning
- * Continued work on Rec Area signs
- * Continued work on Web Site update

Education:

- Diggin' Nature Camp – 5 half days of crafts and activities on bugs, birds, mammals, reptiles, amphibians, and fish = 12 kids
- Ralston Nature Club – meets every Monday with about 80 kids K-3rd grade
 - Tree program/planting
 - Butterfly/ladybugs/bees
 - Owl pellets
 - Casting/fishing
- Earth Day Omaha meeting
- Walnut Hill Elementary – bug and garden program with City Sprouts = 65 kids
- Parent/Child Workshop = 10 parents and 30 kids
- Survival Camp – 3 full days of activities including hiking, geocaching, fishing, canoeing, dutch oven cooking, tents, fire starting, and fish printing = 16 kids
- Pelt and tracks program for vacation bible school = 60 kids
- NRC Rain Garden Meeting
- MORE Nature Budget/Planning Meeting
- LEP National Conference-4 day conference, trained 14 national staff in GPS curriculum
- Continued working with Jenny Henricksen, State & Federal Agencies on getting Owls at NRC
- Assembled 100 nature toolboxes for participants in Parent/Child Workshops
- Edited/Printed flyer on Parent/Child Workshops-delivered to Omaha Public Libraries, Hummel Day Campers, and various locations throughout Omaha Metro

DISCIPLES AND SISTERS
of the Holy Spirit



1001 Old Mill Road
Suite 100
Greenville, SC 29615

Dear Sonja:

Just want to say 'Thank-you'
and let you know how-much
we enjoyed having our Staff
Retreat at your facility. It
offered everything we needed
and it was so nice to enjoy
the grounds on such a beautiful
day!

Thanks again -

Michelle Drake, Office Manager

June, 2009

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MONTHLY UPDATE

JUNE 2009



A Partnership meeting was held on June 25th and a Subcommittee meeting was held on June 11th. Meeting minutes and other materials are updated regularly on the Partnership's website: www.papiopartnership.org.

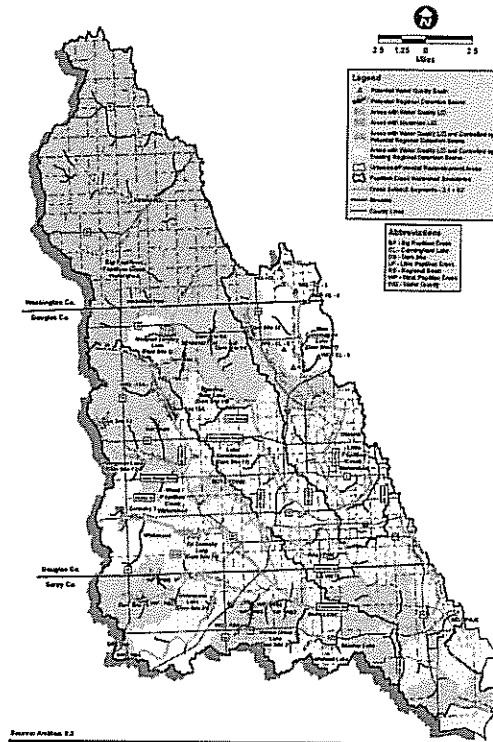
Papillion Creek Watershed Partnership Interlocal Agreement Update

The current Interlocal Agreement for the Partnership expires June 30, 2009. After discussions with the Partnership members a draft interlocal agreement was circulated to each Partnership member to take to their jurisdiction for approval. The Interlocal Agreement includes the Watershed Management Plan (see attached map), a three year Implementation Plan and Revised Stormwater Management Policies. The Papio-Missouri River NRD approved the Interlocal Agreement at their June 11th Board meeting. The City of Omaha is presenting the Interlocal Agreement at their July 1st Planning Board meeting and expect to be at City Council for first reading in mid July. Sarpy County will be presenting the Interlocal Agreement the first week of July to their County Board. Papillion is planning to have second reading of the Interlocal Agreement by July 21st. Boys Town is expected to approve the Agreement on July 7th. Updates from the remaining communities will be heard at the next Partnership meeting.

Unfortunately, some fundamental differences in floodplain management and stormwater management policies have kept several members of the Partnership from renewing the Interlocal Agreement. Douglas County and Bennington have declined to enter in to the Interlocal Agreement this period. Washington County was not part of the previous Agreement however, the offer was extended to join in this Interlocal and they have also declined.

Post Construction Stormwater Management

At the Subcommittee meeting and Partnership meeting the City of Omaha distributed copies of the Post Construction Stormwater Management Guidance document along with an application form, template maintenance form and drainage study checklist. It is intended for these items to be



Partnership documents and for Post Construction Stormwater Management to be tracked on line similar to the Erosion and Sediment Control permits. The Partners were asked to review the documents and note any items that would be handled differently (i.e. procedural differences from Omaha or submittal timelines) so that we can incorporate all the communities' requirements in to one document.

Upcoming Events

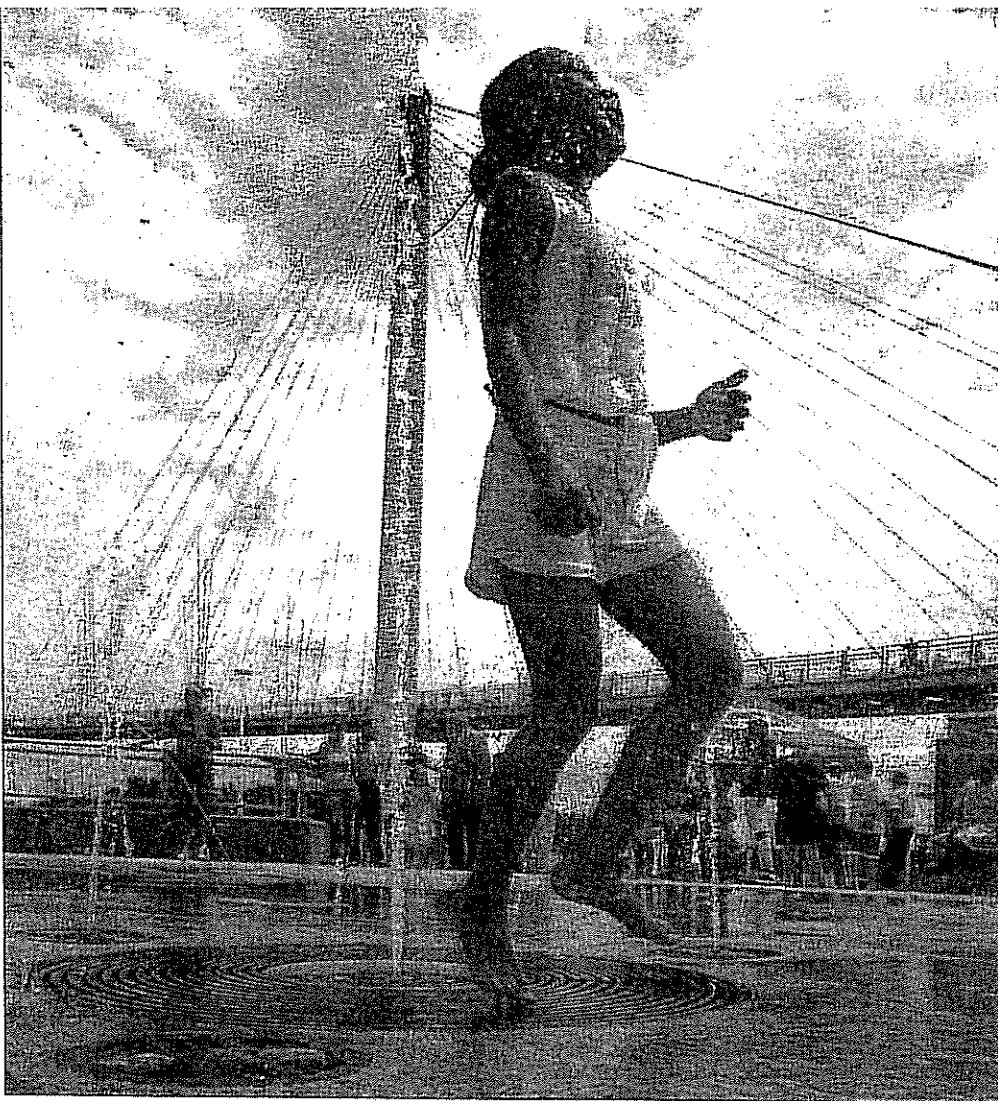
July 23rd at 1:30 pm a workshop will be held with ACEC and the engineering consultants on the Post Construction Stormwater ordinance requirements.

A Post Construction Stormwater Management Plan Workshop has been scheduled for October 8, 2009 at the Scott Conference Center at UNO.

The Erosion and Sediment Control Seminar will be held February 3rd at the Holiday Inn Central.

Next Meeting: The next full Partnership meeting is scheduled for July 30th at 10:00 AM at the NRD office.





KENT SIEVERS/THE WORLD-HERALD

Seven-year-old Rean Borres of Omaha dances through the fountain on the newly dedicated Omaha Plaza at the western base of the Bob Kerrey Pedestrian Bridge. At top is Mayor Mike Fahey at Sunday's ceremony.

NEW PLAZA A SPLASH HIT

OMAHA PLAZA

The \$1.8 million plaza at the base of the bridge was financed with private-sector contributions. It includes a spray fountain and a play area.

WHAT BRIDGE USERS SAY

"It's just an easy commute. No gas, no bicycle."

James Graham of Council Bluffs, who walks to work in Omaha

"It's a beautiful bridge. . . . If it was raining, I'd walk across it, too."

Sam Himmelberger of Topton, Pa., who was driving home from Colorado and stopped to see the new attraction.

By EMILY BABAY
WORLD-HERALD STAFF WRITER

It's already popular with work-day walkers, curious tourists and families seeking fitness.

And now that the Bob Kerrey Pedestrian Bridge boasts the new Omaha Plaza, officials hope the 3,000-foot span will become an even bigger attraction. The \$1.8 million plaza — featuring a spray fountain and a play area — officially opened Sunday with a dedication by Mayor Mike Fahey.

Tempting fate, the mayor stepped up to a lectern placed on the circle of turned-off fountains and joked that he hoped the water

didn't turn on early. (It didn't.)

This plaza, he told the dozens gathered, will be "something all Omahans can be proud of."

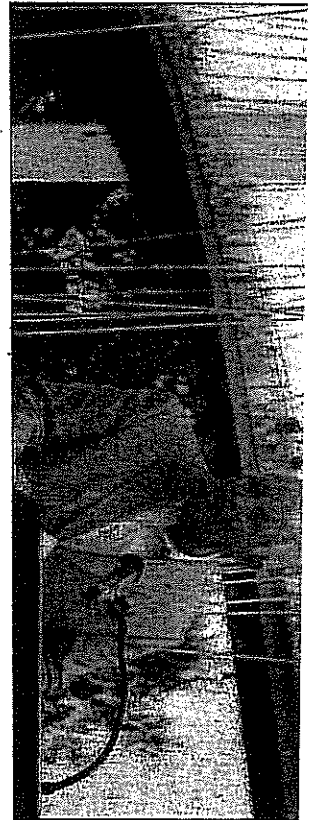
Certainly the plaza, with landscaping and public art, played well with the younger set seeking a way to cool off. A circle of in-ground spigots sprayed water in various directions and at various speeds.

As water shot upward as high as 10 feet, the first brave children stuck their hands in. Soon other children and a few brave parents followed.

Erin Goaley, 10, and her grandmother stopped by after completing a walkathon for Parkinson's dis-

See Bridge: Page 2

BRIDGE GETS ADDED DRAWING POWER



6-1-09
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Bridge: Big plans ahead for Council Bluffs side

Continued from Page 1
ease.

"It's like a mini water park," Erin said, before running off to dunk her head. Erin didn't have a favorite spray, she said, because "they're all awesome."

But she was particularly proud when she ran through the biggest spout; she held up her hands triumphantly while her grandmother, Shirlee Goaley, cheered.

Goaley said the plaza is a good step toward keeping people in the downtown area.

"It's just a nice way to enjoy the afternoon with your grandchildren and children," she said.

That's the idea, said Steve Scarpello, Omaha parks administrator. Scarpello said the plaza should make the bridge "more of a destination place."

And that's not all. Plans are moving forward for a large-scale public park on the Council Bluffs side. Bluffs officials recently hired the landscape architecture firm Sasaki — acclaimed for its work on Beijing's Olympic Green — for the project, Bluffs Parks Director Larry Foster said.

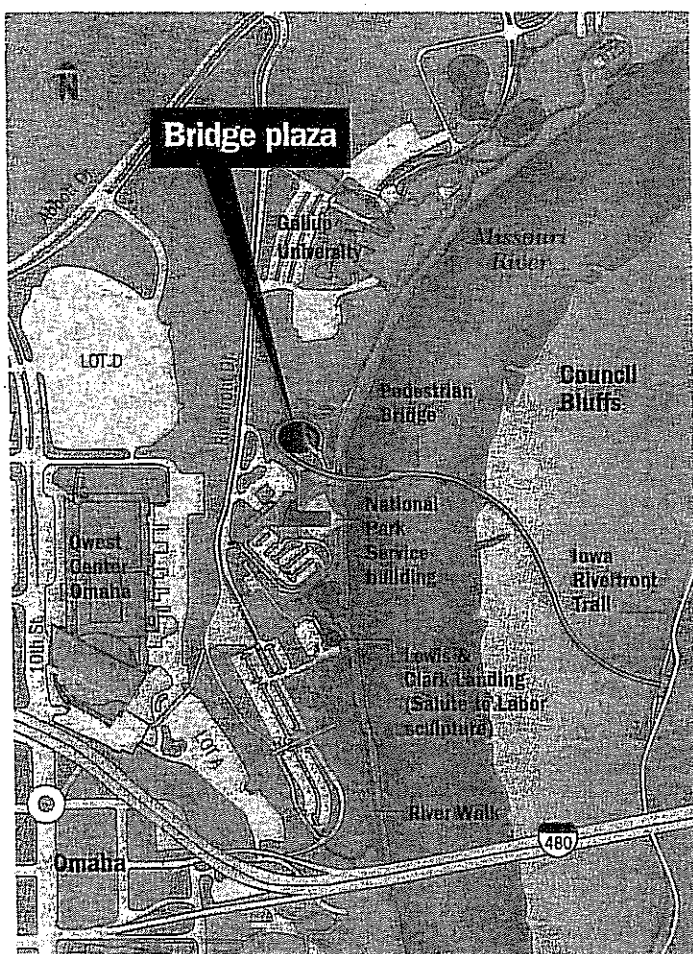
Construction is expected to begin next summer.

Officials have said the project could incorporate green space, recreation areas, housing and public art, though Foster said detailed plans for the riverfront aren't ready yet.

Though a recent World-Herald poll found that many Omahans thought the bridge was a poor use of public funds, businesspeople say they're pleased with the increased activity it has brought to the riverfront. Residents of nearby condos enjoy the view. Police say that the influx of people has not led to more crime and that parking problems have been worked out.

The bridge has drawn a steady stream of visitors since it opened in September. No data exist on the total number of users, but a study by a University of Nebraska at Omaha professor found that an average of 187 people per hour used the bridge in October 2008.

Donald Greer, a professor in the School of Health, Physical Education and Recreation, said last week that he has no reason to think that bridge use has sig-



THE WORLD-HERALD

nificantly changed, though winter and early spring weather probably caused a decrease.

Scarpello of the Omaha Parks Department sees a simple explanation for the crowds: "People just want to be by the river," he said, and the plaza will be one more place to enjoy.

Bridge visitors have increased business at Rick's Café Boatyard, hostess Elizabeth Clark said last week. People often eat lunch at the restaurant at 345 Riverfront Drive after walking on the bridge.

"It's not a one-time thing," Clark said. "People come back several times."

Riverfront Place, a condominium project at the waterfront, also has benefited, said Ben Proctor, sales and marketing manager. September 2008 was one of the best months for sales, he said.

"The bridge puts our development in front of a lot of people's eyes."

Because the Bluffs park is still in progress, the bridge is

often a destination of its own, Greer said. "You go to the bridge to go to the bridge."

Many visitors on a recent warm and windy weekday afternoon were there for just that reason. Gwen Gill of Stapleton, Neb., was spending part of a vacation day there with her husband, Lloyd, and granddaughter. They enjoyed a leisurely stroll to take in the view.

"If you're walking, you can take your time and see everything," Gill said.

The bridge is near Cindy Vanek's job at the Holland Performing Arts Center, making it perfect for a lunchtime walk.

"It's a nice route," said Vanek, who walks on the bridge a few times a week.

Despite the increase in riverfront activity, both Omaha and Council Bluffs police say the bridge has not led to more crime in the area.

Since last November, Council Bluffs police have received no reports of incidents at the bridge, said Capt. Scott Milner. Officer Jacob Bettin, an

About the bridge

Cost: \$22 million. A \$19 million federal earmark obtained by former Sen. Bob Kerrey covered most of the cost

Length: 3,000 feet, including landings

Width: 15 feet

Railing height: 4.5 feet

Hours: 24 hours a day, seven days a week

Construction: Began in fall 2006 and was completed in September 2008

Source: Council Bluffs Department of Parks, Recreation and Public Property

Omaha police spokesman, said the number of people on the bridge — potential witnesses — and police patrols on the riverfront probably deter crime. Members of the police riverfront patrol unit monitor the bridge on foot, Segway scooters and horses.

The bridge has been the target of minor graffiti and vandalism, Scarpello said. But he said security cameras soon to be installed at the plaza should help prevent that.

When the bridge first opened, visitors sometimes parked in unapproved spaces, officials said, but those complaints largely stopped as people became more familiar with restrictions.

Parking is not allowed along Riverfront Drive, in the National Park Service lot during business hours, in the circle drive in front of the bridge or on the grass.

An April World-Herald poll found that 48 percent of 400 registered voters surveyed thought the money spent on the bridge was "very poorly invested," but some bridge supporters say those concerns are fading.

Clark, the restaurant hostess, said she has been hearing fewer complaints about the bridge's cost.

Lloyd Gill of Stapleton said the bridge's completion should put the controversy in the past.

"It's now time for it to be enjoyed," he said.

World-Herald staff writer Roseann Moring contributed to this report.

■ Contact the writer:
444-3152, emily.babay@owh.com

NRD considers changing board meeting start time

In an effort to accommodate increased public input at Board of Directors' meetings, the Papio-Missouri River Natural Resources District is considering a change in its board meeting start time.

The NRD Board generally meets at 8 p.m. the second Thursday of

each month at the district's headquarters at Chalco Hills Recreation Area, 8901 S. 154th St. Omaha.

"We will seriously consider an earlier start time if the public would like to see the change", said John Winkler, NRD General Manager.

Contact the NRD at 402-444-6222 or papadmin@papiomrd.org.

The Papio-Missouri River NRD area includes all of Sarpy, Douglas, Washington, and Dakota Counties plus the eastern half of Burt and Thurston Counties. District programs and projects are funded in

part by a property tax levy of less than two percent of property taxes collected in its six-county area. Major activities include flood protection, surface water quality, water-based recreation, hike/bike trails, rural water supply, and wildlife habitat improvement.

Post Gazette 6-22-09

Efforts to rid Platte River of vegetation continue

A very successful helicopter spraying of Phragmites and Purple Loosestrife in September 2008 has now made way for the removal of woody vegetation on river areas previously inundated by the noxious weeds. A grinder began work on the river the last week of May.

"The invasive vegetation needed to be sprayed first. Then we will mechanically remove the dead vegetation and then, later this summer, disk the sand bar islands to return them to their natural state," said John Winkler, Papio-Missouri River NRD General Manager.

The Lower Platte River had become clogged with invasive vegetation: Phragmites and Purple Loosestrife, noxious weeds that

have invaded much of the Platte River across the state of Nebraska, was robbing eastern Nebraska of critically needed water and wildlife habitat for the threatened and endangered Piping Plover and Least Tern. Human safety is also being jeopardized through the increased risk of ice-jam flooding along the river bordering Douglas, Sarpy, Saunders and Cass Counties.

Because of the immediate threat of a Phragmites population explosion, the Papio-Missouri River, Lower Platte South and Lower Platte North NRDs joined with riverside landowners and the Douglas, Cass, Sarpy and Saunders County Weed Control Authorities to begin an assault on the two invasive

noxious plants in 2008.

Crowding out native willows and cottonwoods, these plants reproduce rapidly, overtaking much of Lower Platte River, covering its sandbars and crowding its shoreline. Phragmites received a Nebraska emergency designation as a noxious weed in 2008.

Phragmites and Purple Loosestrife control is being done on up to 1,000 acres of selected sandbars and portions of sandbars in the reach of the Lower Platte River extending from the Burlington Northern Railroad Bridge (downstream of Nebraska State Highway 77) to the mouth at the Missouri River.

Post-Gazette 6-22-09

6-23-09

Corps defends its Missouri River plan

ST. LOUIS (AP) — Two years after the Army Corps of Engineers halted dredging projects in Missouri aimed at restoring habitat for an endangered fish along the Missouri River, Sen. Kit Bond has again raised concerns about the strategy, calling it environmentally unsound.

After 2007, the corps turned its attention to Kansas, Nebraska and Iowa, where the agency says it was welcomed as it created Missouri River habitat for the endangered pallid sturgeon.

The corps said Monday that it eventually will have to return to Missouri, if it is to meet a federal mandate to improve conditions for the pallid sturgeon, which thrived before upstream dams and a stabilized navigation chan-

nel changed the river's flow.

By 2020, the corps must build 20,000 acres of shallow water habitat from Sioux City, Iowa, to St. Louis.

Bond, R-Mo., said last week that he would to derail the corps' \$70 million funding request for next year's piece of the Missouri River Recovery Project.

During a Senate hearing, Bond said creating side channels and chutes for the endangered fish would require dumping 548 million tons of farmland soil — containing 350,000 tons of phosphorus — into the Missouri River.

Bond said such dumping also contributes to low oxygen, or hypoxia, in the Gulf of Mexico.

Mike George, the corps' Missouri River Recovery Program

manager, based in Omaha, said Bond's soil and phosphorus estimates are exaggerated. George also said the corps is reintroducing sediment — 60 percent to 80 percent of it sand — and not moving soil from upland farms. Nutrients are a small contributor to hypoxia problems, he said.

The corps could have created habitat by altering the river's flow, George said, but concerns about drought, floods and competing uses made that impractical and controversial.

The corps came upon its solution by accident, when 1993 flooding created a new channel in the Lisbon Bottoms, 15 miles upriver from Boonville, Mo., that started to produce sturgeon and other species. "This became the

template to create natural process," he said.

The new side channels allow some river water to travel more slowly and at a shallower depth to provide more favorable fish habitat. Channels are designed so that further erosion will occur over time, the way river erosion used to occur naturally.

George said the fish seem to be responding to the slower water, which holds more insects and smaller fish to feed on.

The corps has asked the National Academy of Sciences to examine whether sediment dumped into the Missouri River reduces water quality and contributes to hypoxia. Results are expected next summer.

State, federal roadblocks slow \$70 million in local roads projects

■ The feds are "more interested in stimulating paperwork than jobs," Heineman says.

By MARTHA STODDARD
WORLD-HERALD BUREAU

LINCOLN — Beefed-up state oversight rules and tougher federal regulations have delayed the start of local roads projects funded with federal stimulus dollars.

The delays affect some \$70 million worth of city and county

projects in Nebraska, including \$23.2 million worth of projects in the Omaha metro area. The delays could push the start dates for many projects into next year.

Gov. Dave Heineman lashed out Wednesday at federal highway officials for their part in slowing down projects. He blamed the officials for impos-

ing new environmental impact requirements, which require additional documentation.

"Frankly, the Federal Highway Administration is more interested in stimulating paperwork than jobs," Heineman said. "This federal agency is more concerned about process than about putting Nebraskans to work."

Nancy Singer, a spokeswoman for the federal roads agency, said officials must ensure that projects meet all regulations while also meeting the job-creation aims of the stimulus package.

"(The agency) will continue to work with (Nebraska) to ensure

See Stimulus: Page 2

Continued from Page 1

that state's economic recovery and the delivery of road and bridge projects is as swift as possible," Singer said.

The other delaying factor is the State Department of Roads' response to a 2007 federal audit.

The audit faulted state officials for lax oversight of local roads projects. In response, the state rewrote its local projects manual and is just now starting to train city and county officials in the new process.

Learning how the new process works has been slow, said Dan Kutilek, Douglas County engineering manager. The process itself also is "very, very time-consuming," he said.

Bob Stubbe, Omaha Public Works director, said city officials once hoped to start some stimulus projects this summer. Now it looks like it will be later this year for some resurfacing work and next year for other projects.

"We would like to have projects out the door, yes, so it does become somewhat frustrating,"

Stubbe said. The delays have not affected state projects.

Nebraska has \$80 million worth of stimulus-funded state roads projects under contract now, with \$85 million more in the works.

The governor commented on the delays after announcing that Nebraska will submit five state highway projects for federal grant funding. The projects will be in competition for \$1.5 billion worth of grants. The Nebraska submissions would total \$280

million.

To be eligible for the grants, projects must — among other requirements — show significant impact on a metropolitan area, a region or the nation.

The five chosen by Nebraska officials and their costs are:

- Expanding U.S. Highway 75 from two lanes to four from Plattsmouth to Bellevue, including three interchanges in Cass and Sarpy Counties, and construction of four lanes of U.S. Highway 34 to Interstate 29 in Iowa. This includes building a

new bridge over the Missouri River, commonly referred to as the Bellevue Bridge. This is a combined project with Iowa. Nebraska cost: about \$160 million.

- Resurfacing I-80 from Roscoe to Paxton in Keith County. Cost: about \$40 million.

- Expanding I-80 from four lanes to six between the 56th Street interchange and the Waverly interchange in Lancaster County. Cost: about \$40 million.

- Expanding Nebraska 133, commonly called Blair High Road, from two lanes to four,

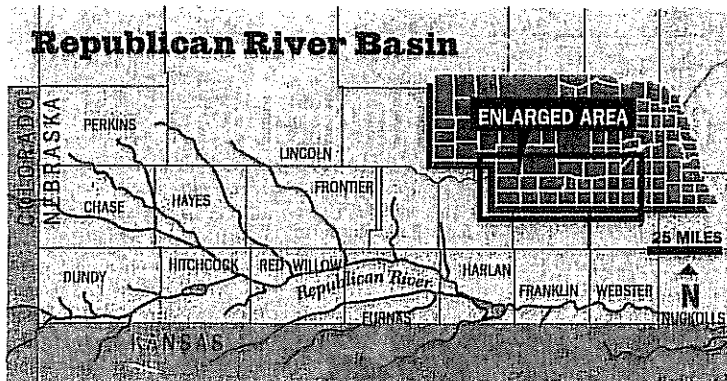
from the junction with Nebraska 36 north five miles toward Blair for five miles. Cost: about \$20 million.

- Expanding Nebraska 370 from two lanes to four between Gretna and I-80 in Sarpy County. Cost: about \$20 million.

Heineman said the Heartland Expressway, in western Nebraska, was not included because planning for it is behind the other projects. The grant projects must be completed by Feb. 12, 2012.

6.25-09

Ruling favors Nebraska but doesn't settle dispute over river



THE WORLD-HERALD

OWH - 7/1/09

■ An arbitrator awards Kansas \$10,000 but doesn't rule out more in the future.

By HENRY J. CORDS
WORLD-HERALD STAFF WRITER

The latest decision in a long-running water dispute between Nebraska and Kansas was good for Nebraska's taxpayers — at least for now.

Nebraska owes Kansas only a token \$10,000 for farmers' overuse of Republican River water in 2005 and 2006, an arbitrator ruled Wednesday. That's well below the \$72 million Kansas once claimed.

But the decision's long-term impact was far less clear, particularly for the southwest Nebraska farmers who depend on Republican flows for their

livelihoods.

Nebraska's current plans for preventing overuse of Republican River flows during drought years are inadequate, arbitrator Karl Dreher said. The state needs to take further steps to reduce water consumption, and could face other "significant" sanctions in addition to Kansas' actual damages if it again overuses in the future.

When the ruling became public Wednesday morning, legal officials in both states claimed victory, and the dispute figured to go on. The arbitration ruling is not binding on either state, and the issues still could end up before the U.S. Supreme Court.

Kansas officials on Wednesday weren't ruling out going to court.

David Barfield, Kansas' water czar, said Kansas could still go to court for the full \$72 million it initially sought — which included both damages to Kansas and the amount of financial gain Nebraska attained from using Kansas' water. The prospect of such big-dollar losses may be the only way to get Nebraska to cut its excessive water use in the future, he said.

"We think Nebraska needs a pretty powerful incentive to take the actions necessary," he said. "We disagree with

See River: Page 2

River: Bruning says progress on flows being made

Continued from Page 1

the arbiter that we have to wait until Nebraska violates again to get relief."

But Nebraska Attorney General Jon Bruning said it's now clear that Kansas won't be able to prove it was damaged by Nebraska's overuse. During the two years in question, he said, Kansas farmers actually produced record crops.

Bruning said he recognizes that Nebraska does need to do more to cut back during drought years. The state and irrigators are working on it, he said, and progress is being made.

"I'm hopeful we can continue to talk about resolving this out of court," Bruning said. "But if Kansas wants to continue to spend millions and millions to recover \$10,000, that's their prerogative."

Nebraska and Kansas have battled for more than a decade over whether Nebraska irrigators have been taking more water from the Republican River than is allowed under a World War II-era agreement that divides river flows among Nebraska, Kansas and Colorado.

The natural resources districts that Nebraska law charges with regulating groundwater pumping had for decades allowed largely unrestricted development of irrigation wells in the Republican

Timeline

1943: Colorado, Kansas and Nebraska agree to the Republican River Compact, allocating 11 percent of river water to Colorado, 40 percent to Kansas and 49 percent to Nebraska.

1999: Kansas sues Colorado and Nebraska in U.S. Supreme Court for using more than allotted shares.

2002: States settle lawsuit, agreeing on procedure to measure water using computer model.

2003-06: Nebraska overuses water.

2006-07: State leases or purchases water from surface-water irrigators, releasing it to flow to Kansas.

2007: Gov. Dave Heineman signs Legislative Bill 701, authorizing new taxes in Republican River basin for NRD programs to comply

with compact. Nine Republican River basin landowners challenge the constitutionality of LB 701's property tax provision.

2008: Lancaster County District Judge Paul Merritt Jr. rules the special property tax unconstitutional.

February: Nebraska Supreme Court affirms District Court order.

March: Attorneys for Nebraska, Kansas and Colorado present testimony over Kansas' claim that Nebraska continued to overuse its share of Republican River water, despite agreeing in 2002 to comply with the 1943 compact.

July: An arbitrator awards Kansas \$10,000 but says Kansas should recalculate its damages from Nebraska's river overuse.

valley. Irrigators have argued major pumping restrictions on the Republican would devastate the region's economy.

Kansas and Nebraska recently have fought over excessive use that occurred during 2005 and 2006 and how much Nebraska should compensate Kansas for it.

Kansas originally sought the

\$72 million, estimating its own losses from the overuse at about \$9 million. Nebraska put Kansas' loss at no more than \$1.2 million.

Dreher earlier rejected the \$72 million. In his latest decision, Dreher said Kansas no doubt suffered damages from Nebraska's overuse, "and those damages could well be in the range of one to several million dollars."

But he rejected as excessive Kansas' formula for calculating those damages. He decided to offer Kansas only the nominal damages of \$10,000 until Kansas can correct its methodology. He left open the possibility for a bigger award through subsequent arbitration or in court.

Looking at future compliance the arbitrator said the three local natural resources districts that control pumping in the Republican River Valley need to further reduce consumption during dry years. He did not specify how but did reject a proposal from Kansas that would have shut down half the irrigation in the basin during drought years.

David Aiken, a University of Nebraska-Lincoln water law specialist, said it appears the Nebraska has prevailed in the latest round of the water fight. But he said it was significant that the arbitrator warned of possible future sanctions for Nebraska. That should temper Nebraska's reaction, he said.

"(The arbitrator) is saying 'This time, we're letting you off easy,'" Aiken said, "but next time you're subject to financial penalties, beyond any losses Kansas can show."

Contact the writer:
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7-5-09
OWH

There's no end in sight

Nebraska again seems to have dodged the thunderbolts hurled at it by Kansas authorities angry over the Republican River. But the storm isn't over, nor have many of the basic arguments gone away.

An arbiter's ruling last week ordered a "nominal" \$10,000 to compensate Kansas for Nebraska irrigators' overuse of Republican River water in 2005 and 2006. That's a mere smidgen of the \$72 million Kansas officials had demanded.

But the size of the award is deceptive. The arbiter, Karl Dreher, said that the amount owed may well be in the millions but that Kansas had not proved it is owed more. If Kansas can back up its demands using better methodology, Dreher said, damages awarded after a future arbitration or court case could be substantial — and could include punitive sanctions.

Kansas had asked for reparations for its farmers, who received less irrigation water from the Republican, hurting crop yields. Kansas seeks to blame Nebraska irrigators as the culprits.

The news is also mixed for Republican River underground water irrigators, who must have relaxed when the arbiter ruled that Kansas had not proved the best solution for Nebraska's overuse was to reduce by 43 percent the number of acres irrigated by groundwater wells during dry years. That drastic proposal would have shut down irrigation wells within 2.5 miles of the riverbanks and cut irrigated acres in the basin from 1.2 million to roughly 800,000, wreaking havoc on local economies.

On the other hand, the arbiter did criticize Nebraska state and natural resources district officials for their inadequate compliance with the 1943 compact during drought years. Dreher said the state and the three NRDs on the Republican should cut their groundwater withdrawals more than they have already.

Nebraska officials also had bought surface water from rights holders to supplement the amount of water in the river in dry years, but that, too, was not good enough, Dreher concluded. The state "should obtain permanent, interruptible supply contracts with surface water irrigators," Dreher ruled, to ensure compliance with the interstate water agreement. The proposal could prove expensive.

The ruling says that the ultimate responsibility for compliance falls on the State of Nebraska itself. The NRDs operate under state statutes, Dreher noted; it is the Nebraska Legislature's responsibility to see that state law is strong enough to uphold the compact's requirements.

The arbiter seems to have given Nebraska another chance to comply with the compact. If Kansas does not file an appeal with the Supreme Court, the governor, Legislature and state Department of Natural Resources have some breathing room. They must decide how to squeeze even more water out of the irrigation pipelines along the Republican, so more water will flow into Kansas. And they must find a way to secure stable water supplies to feed the river when drought reigns.

Neither of those efforts will be cheap or without opposition. This chance, however, may well be Nebraska's last. The threat of financially painful sanctions and agriculturally painful water rules imposed by the courts could hardly be made clearer.

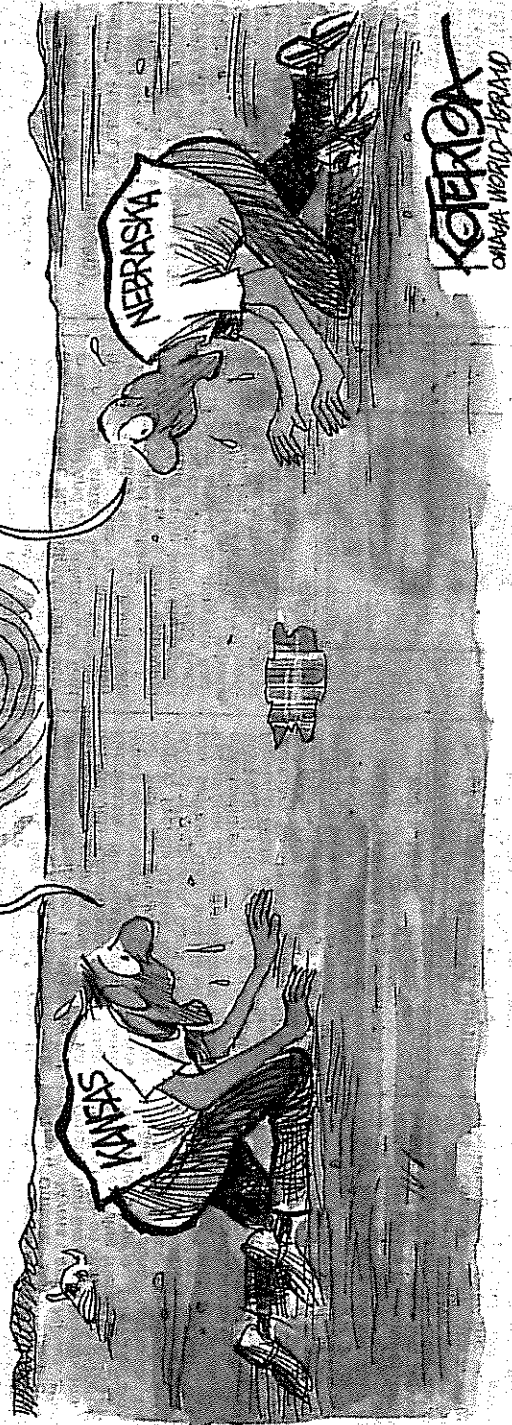
Nebraskans can be glad that the \$10,000 owed Kansas for overusing water was only nominal. They can't be glad, though, at the uncertainties left unanswered by the arbiter. Nor about facing a future of more water cutbacks and long-term water contracts.

The debate continues.

7-5-09

WATER... WATER... WATER...

WATER... UH-OH...



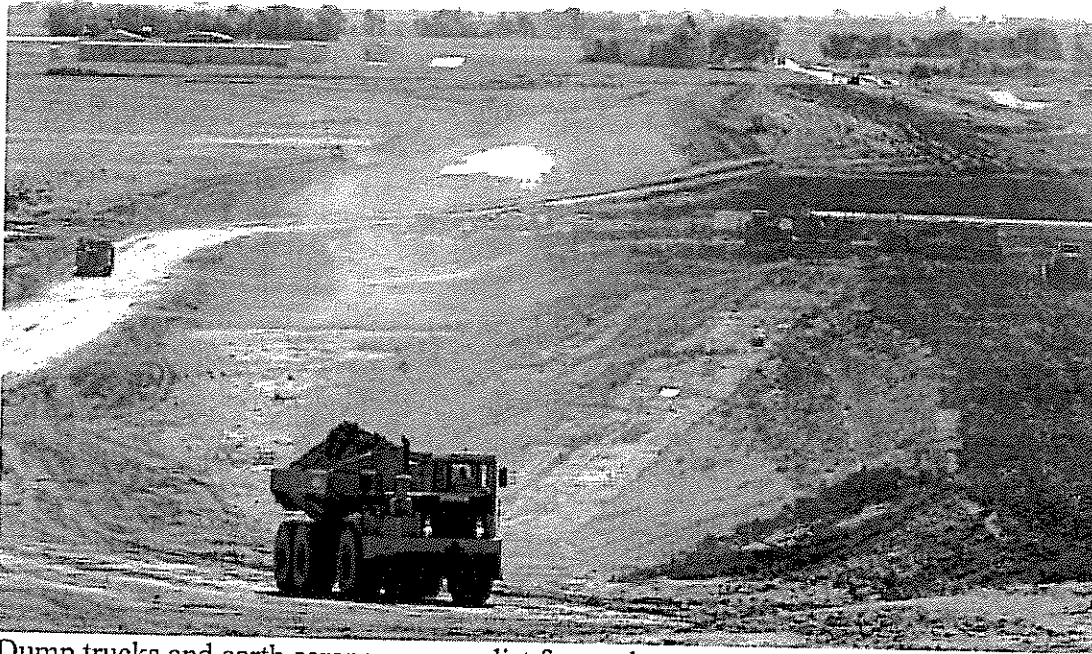
Wanahoo dam ahead of schedule

By ALGIS J. LAUKAITIS / Lincoln Journal Star
Monday, Jul 06, 2009 - 12:16:29 am CDT

WAHOO — A bald eagle circled above the dump trucks, scrapers and bulldozers by the earthen dam as if on a recon mission for new fishing grounds.

It won't have to wait much longer.

Dirt work on the dam is about 70 percent complete, and the new Lake Wanahoo should start filling with water in 2010.



Dump trucks and earth scrapers move dirt from a borrow area (not pictured), in what will be the bed of the lake, to the dam being built to hold Lake Wanahoo, north of Wahoo, on June 30, 2009. (Gwyneth Roberts)

☐ CLOSE Nebraska 109 to close to rebuild U.S. 77 interchange

Weather permitting, Nebraska 109 on the northern edge of Wahoo will be closed to through traffic beginning Monday and reopened early this fall, according to the Nebraska Department of Roads.

Nebraska 109 will be closed all the way to Cedar Bluffs so workers can build a new intersection as an extension of the U.S. 77 bypass.

Workers will have to raise the intersection about 7.5 feet to meet the elevation of the proposed road on the Lake Wanahoo dam.

Motorists are urged to follow the marked detour.

U.S. 77 and Nebraska 92 traffic will be maintained so people can get to Fremont and other surrounding communities.

Source: Nebraska Department of Roads

Lake Wanahoo

What: A flood-control, recreation, environmental restoration and highway project.

Who: City of Wahoo, Saunders County and Lower Platte North Natural Resources District are building \$12.6 million Lake Wanahoo dam. U.S. Army Corps of Engineers, as part of a \$10.5 million environmental restoration effort, built a sediment trap to improve water quality and a breakwater feature to reduce wave action caused by north-south winds. The federal agency also will design and build the recreational facilities. Nebraska Department of Roads is building a road on the dam that will serve as part of the U.S. 77 bypass.

Where: One mile north of Wahoo in Saunders County, 25 minutes from Lincoln and Omaha.

When: Lake Wanahoo and the highway bypass scheduled to open in spring 2012.

Cost: Total cost of the Lake Wanahoo-Sand Creek Watershed project is \$30.5 million, with federal, state and local sources each contributing a third of the cost.

Source: Lower Platte North NRD

"They are way ahead of schedule. They think they will have the dam closed later this year," said John Miyoshi, general manager of the Wahoo-based Lower Platte North Natural Resources District.

The 3,700-foot-long dam was scheduled to be done by August 2010.

Miyoshi credited the weather and Commercial Contractors of Lincoln, which moved 1.4 million cubic yards of dirt for the dam.

When full, Lake Wanahoo should cover about 640 acres, stretch about two miles and have a maximum depth of about 40 feet.

The public lake about a mile north of Wahoo will offer fishing, RV and tent camping, no-wake boating, youth/mentor hunting and recreational trails.

The NRD had to acquire 1,600 acres of mostly farm ground from 16 landowners. Only one fought the acquisition and the district had to use its condemnation powers.

More than a decade in the making, the lake is viewed as a flood-control project and a recreational magnet that will draw from Lincoln and Omaha, both 25 minutes away.

"Seventy-five percent of the state's population lives within a 50-mile radius of this lake," project coordinator Mike Murren said on a recent tour.

In addition to recreation, the lake may give the community an economic boost. A smattering of luxury homes already have been built on its western edge.

The public is not allowed in the construction area for safety reasons. But the NRD recently gave about 165 members of the Saunders County Livestock Feeders Association a close-up view of the dam and its soon-to-be completed concrete emergency spillway, which can handle runoff from a 500-year storm.

Lake Wanahoo is the centerpiece of a \$30.5 million project to control flooding in the 87-square-mile Sand Creek Watershed and provide traffic, recreational and environmental benefits.

"There's times Wahoo is just an island," said Murren, referring to chronic flood damage from Sand Creek, Wahoo Creek and Cottonwood Creek — all of which meet below this city of 3,681 people.

The project won't solve all of the community's flood problems but will help prevent about \$234,000 in flood damage annually, Murren and Miyoshi said.

Sand Creek is not far from U.S. 77 and Nebraska 92, both on the northeast edge of Wahoo. Portions of those two highways flood several times a year, Miyoshi said, and Lake Wanahoo should solve that problem.

Once the dam is finished, work will begin on the U.S. 77 bypass that will skirt the west and north sides of Wahoo.

Part of the road will be built on the north face of the dam. Dirt work will be done next year and concrete poured in 2011.

The Nebraska Department of Roads contributed \$3.5 million to the project, Murren said, about equal to what it saved by putting the road in front of the dam. Otherwise, the agency would have had to build bridges and do the dirt work itself.

Miyoshi said Lake Wanahoo and the U.S. 77 bypass will be completed at the same time, so they will both be open to the public in the spring of 2012.

The Nebraska Game and Parks Commission will manage Lake Wanahoo as a state recreation area, with day-use areas, 60 full-service RV pads and a primitive tent-camping area.

A breakwater feature already has been built in the middle of the lake to reduce wave-action. It features a 110-foot-long pedestrian bridge already used by locals. A large sediment trap was built nearby to keep the water as clear as possible. To control erosion, no jet skis or power boats will be allowed.

The northern part of the lake is already home to deer, herons and swallows, who built mud nests under the pedestrian bridge. Cottonwoods and other trees will be left standing to enhance the fishery.

The lake will be stocked with largemouth bass, bluegill, walleye and channel catfish. Crappie will join them three years later.

In an effort to further reduce flooding and sediment and nutrient runoff, the NRD built four small dams upstream from Lake Wanahoo on Sand Creek. Three more small dams will be built on Duck Creek. Total cost for all seven sites is \$3 million.

One of the key goals of the Lake Wanahoo project is environmental restoration. The U.S. Army Corps of Engineers is spending \$10.5 million to help restore degraded wetland areas unique to the area.

"Over 95 percent of the riparian wetlands have been lost due to the straightening of Sand Creek," Miyoshi said.

Water stored in Lake Wanahoo also will be used to help the endangered pallid sturgeon in the Platte River. Annual releases of 400 acre feet of water are planned between February and June to compensate for water that would have flowed down Sand Creek to Wahoo Creek and eventually to the Platte, where the bald eagle probably makes its home.