

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: June 6, 2005

FROM: Steve Oltmans, General Manager

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

B. **MISCELLANEOUS/PERSONNEL ITEMS:**

1. **Paul Woodward**, Water Resources Engineer, has been elected to the Board of Directors of the Engineers Club of Omaha. Congratulations Paul.
2. Attached is a "Thank You" Letter from Howard Grant, President of the Bellevue Bicycle Club. Mr. Grant acknowledges the District for providing a "wonderful trail system" for them to use for their first club event, The Spoke and Hub Century on May 22, 2005. The Club raised over 580 pounds of food and a cash donation of \$540 to the Nebraska Food Bank. Mr. Grant states, "Thank you for the wonderful work you do with the trail systems and we hope to see trail enhancements in the future."
3. Attached is a "Thank You" note from the Earth Day Committee for the District's donation to the Earth Day Celebration on April 23, 2005 at Elmwood Park.
4. Attached is a "Thank You" letter to Jerry Herbster from Tim Tichy, Community Safety Manager for the Omaha Safety Council, thanking the District for allowing the Safety Council to use Chalco Hills Rec Area for CycleFest 5 on May 22, 2005. Mr. Tichy notes, "It is a beautiful place to hold the event and is very accommodating. We continue to be impressed with your staff. Their help and support before, during and after the event is invaluable."

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

D. **WESTER SARPY/CLEAR CREEK PROJECT UPDATE:** At its May 19, 2005 meeting, the Nebraska Natural Resources Commission obligated \$177,837.69 in FY 2006 funds to the Western Sarpy/Clear Creek project for right of way. This increases the total amount of Nebraska Resources Development Fund monies obligated to this project to \$4,686,118. We

have also been notified that the OMB has approved funding for the Western Sarpy/Clear Creek project and we will be receiving official notification from the Assistant Secretary of the Army shortly.

E. **NEWS CLIPS:**

- ❖ April 8, 2005, Omaha World Herald article – Irrigators oppose groundwater plan
- ❖ April 28, 2005, South Sioux City Star article – Trail to link tow communities coming soon. DC trail to be completed in fall.
- ❖ May 13, 2005, Omaha World Herald article – Some worry about NRD's rule changes
- ❖ May 15, 2005, Lincoln Journal Star article – Nebraska Supreme Court to decide water law case. The complicated legal battle pits surface-water users against groundwater irrigators.
- ❖ May 16, 2005, Omaha World Herald article – Lake, equipment are gifts Papio can bank on.
- ❖ May 17, 2005, Omaha World Herald article – Papillion amphitheater dream is a step closer to reality. Ground is broken for the 600-seat project, and fund raising continues.
- ❖ May 17, 2005, Omaha World Herald article - Happy Hollow walkers soon will reach the end of the trail. Paving should be completed by week's end, but some problems remain.
- ❖ May 19, 2005, Papillion Times article – Walnut Creek to transfer to city in '07.
- ❖ May 20, 2005, Blair Enterprise, Letters to the Editor by Jennifer Andersen – NRD policy changes criticized.
- ❖ May 23, 2005, Omaha World Herald Public Pulse letter by Jennifer Andersen – Tax and Spend.
- ❖ May 25, 2005, Omaha World Herald editorial – An nature pushes back. Human activity, even if well-meant, can unexpectedly lower canals and kill a Dead Sea.
- ❖ May 23, 2005, Omaha World Herald article – River woes affecting barge traffic
- ❖ May 23, 2005, Omaha World Herald article – Hazardous waste center to open June 1. Douglas and Sarpy County residents can dispose of certain household products by appointment at the new facility.
- ❖ May 26, 2005, Omaha World Herald article – 8 governors sign Missouri Basin accord
[Note from GM: This agreement is a very positive thing in regard to enhancement of the Missouri River Corridor. Because of this effort to achieve the agreement, the House recently approved \$72 million in the FY06 federal budget for Missouri River mitigation projects.]
- ❖ May 29, 2005, Lincoln Journal Star article – Groups target obstructions in river. NRDs and a Platte alliance want to remove pilings to improve safety.
- ❖ June 2, 2005, Lincoln Journal Star article – Ranch battles state over water in creek.
- ❖ June 3, 2005, Omaha World Herald article – Platte miniwave for the birds. A federal agency plans to tap shrinking Lake McConaughy to benefit wildlife.
- ❖ May 31, 2005, Douglas County Post Gazette, Letters to the Editor by Shawn Melotz – If you don't like the rules . . . change them
- ❖ June 7, 2005, Omaha World Herald article – Cattlemen oppose plan to move water

May 2005

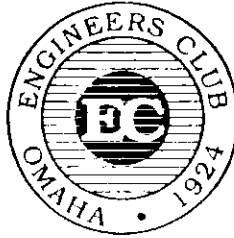
Information & Education Report

Information

- Participated in Nebraska Envirothon Competition at Halsey, NE
- Finished coordinating photography for Omaha Chamber book.
- Continued work on BttR video.
- Mailed flier to civic groups concerning NRD Speakers Bureau.
- TV spots on National Trails Day completed and began airing on KMTV.
- Distributed requests for proposals (Traveling Display and NRC Exhibit).
- Continued work on spring 2005 SPECTRUM.
- Coordinated media release on amphitheater groundbreaking
- Staffed booth at Heartland of America Park Health and Fitness Day.
- Hosted Public Relations students from NW Missouri State.

Education

- Held Water Works 2005
- Presented Bird Banding program to Home School group
- Attended LEP planning meeting
- Presented Bird Banding and Nature Hikes to Prairie Wind 1st Graders
- Presented Bird Banding presentations to Millard South Environmental Studies Class
- Attended May Board Meeting and gave Education Report
- Built Bird Houses at Benson West Science Fun Night
- Held King Science Watershed Festival
- Presented GPS/Geocaching Program to Benson West 6th Graders
- Managed 310 volunteer hours
- Worked with Nancy Gaarder from the OWH on Geocaching article
- Finished updating Speakers Bureau form
- Finalized and Evaluated Spring Education Internship
- Started on long range plan for NRD volunteer program
- Continued planning for new NRC displays
- Continued working with Prairie Construction and Omaha Raptor Team on the flight cages at the NRC



November 22, 2004

Paul Woodward
5804 South 48 Avenue
Omaha NE 68117

Dear Mr. Woodward:

I want to congratulate you on your election to the Board of Directors of the Engineers Club of Omaha. With your added leadership, I look forward to another excellent year for the Club.

Our 2005 Board will consist of: Katie Brenneman; Machelie Krajewski; Kevin Mayberry; David Purdy; James Theiler and Paul Woodward.

The Board's December business meeting will be held at noon on Wednesday, December 22, 2004 at Piccolo's. We will determine officer positions, discuss the January Board social and conduct a regular board meeting. I hope to see you at the meeting.

Yours sincerely,

Dave Purdy
Dave Purdy
Secretary



May 23, 2005

Papio-Missouri Natural Resources District
8901 South 154th Street
Omaha, NE
68138-5222

Mr. Gerry Bowen,

We wanted to thank the Papio-Missouri NRD for providing such a wonderful trail system for our use. We held our first club event, The Spoke and Hub Century, on May 22nd, 2005. By any measure, our event was a tremendous success as we had 153 riders with a support staff of more than 30 volunteers.

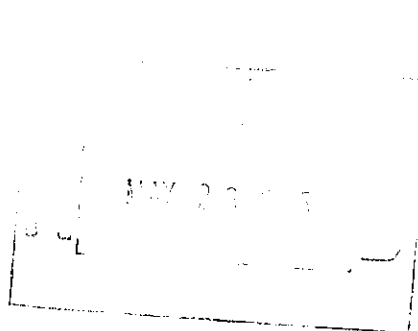
We were able to raise over 580 pounds of food and a cash donation of \$540 to the Nebraska Food Bank. We feel that it is important to give back to our community and the Food Bank was our chosen charity for 2005.

We hope to be able to work with the Papio-Missouri NRD in any way that we can on any future projects or fundraising events that may arise.

Thank you for the wonderful work you do with the trail systems and we hope to see future trail enhancements in the future.

Sincerely,

Howard Grant
President



BELLEVUE BICYCLE CLUB

P.O. Box 1242, Bellevue, NE 68005

Phone: 402-305-3685 Fax: 402-894-3978 E-mail: info@bellbikeclub.org Web: www.bellbikeclub.org

Margaret Mainelli
L.H. Brubaker

Karen Rock
Thank you so much!
Candice Wolf

Candy Bloss

Virginia
Patching

NRD Board,

The Earth Day Committee would like to thank you for your generous donation to the Earth Day Celebration. It is important to remember & to remind people about the value of protecting mother earth for our own well-being. Thank you for helping us achieve that goal.



Greater Omaha Chapter

May 31, 2005

Jerry Herbster
Papio-Missouri River-NRD
8901 South 154th Street
Omaha, NE 68138

Dear Jerry,

Thank you for your support of CycleFest 5! Nearly 1000 people attended the event and hundreds of helmets were given away. The focus of CycleFest is to help families ride safer and we are pleased to see that many families benefited from the event. We are grateful for your involvement and your contribution to the event's success.

Thank you for allowing us to use your facility. It is a beautiful place to hold the event and is very accommodating. We continue to be impressed with your staff. Their help and support before, during and after the event is invaluable.

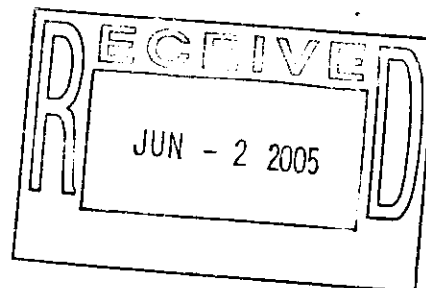
Again, we thank you for your participation and involvement. We welcome your ideas and encourage you to call us if you have questions or thoughts for future collaboration. As we look ahead we hope that you will consider involvement once again in 2006. We look forward to discussing this with you in the next few days.

There will be a post CycleFest 5 meeting on this Friday June 3rd at 9:00 AM in the Boardroom of the National Safety Council to discuss the event and make improvements.

Please RSVP for the meeting.

Sincerely,

Tim Tichy MSHP
Community Safety Manager
(402) 896-0454 ext. 425
ttichy@safenebraska.org

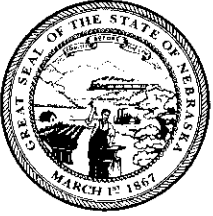


Report On Purchases Construction Services, Professional Services, Personal Property

May, 2005

[illegible]

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

May 24, 2005

IN REPLY REFER TO:

Mike Johanns
Governor

Steve Oltmans, Manager
Papio-Missouri River NRD
8901 South 154th Street
Omaha, NE 68138

Dear Steve,

At its May 19, 2005, meeting, the Natural Resources Commission obligated \$177,837.69 in FY 2006 funds to the Western Sarpy/Clear Creek Project for the following component:

3.	Right-of-Way	\$177,837.69
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This FY 2006 obligation of funds will be available on a reimbursement basis to the Papio-Missouri River NRD on July 1, 2005. This increases the total amount of NRDF funds obligated to the project to \$4,686,118.00.

You are advised to keep abreast of project costs. You will receive reimbursement only for those components that have been obligated funds by the Commission. Funds cannot be transferred from one component to another without the consent of the Commission. Any cost overruns, whether anticipated or real, relating to any components, need to be brought to my attention immediately.

Please contact Tom Pesek, Administrative Coordinator of the Nebraska Resources Development Fund, or me if you have any questions regarding the Commission's action or any other aspect of the Nebraska Resources Development Fund as it relates to the Western Sarpy/Clear Creek Project.

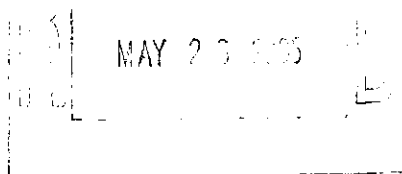
Sincerely,

Roger K. Patterson
Director

tfp

cc: Rich Jansen
Beverly Donaldson
Vince Kramper
Jim Van Marter

clrshare/patterson



Irrigators oppose groundwater plan

4-8-05

By DAVID HENDEE

WORLD-HERALD STAFF WRITER

ALMA, Neb. — Irrigators opposed to a plan to cut into their use of groundwater urged the Lower Republican Natural Resources District on Thursday to reject the proposal, setting up a possible confrontation with the State of Nebraska.

"We were sold out to solve a legal problem," said irrigator Bill Bunger of Hildreth. "We've been misled. That's just a nice word for being lied to."

Bunger's testimony was typical of many of the 14 people who testified here on a groundwater and surface water management plan jointly developed by the resources district and the Nebraska Department of Natural Resources.

The board plans to vote on the plan at its April 14 meeting.

The issue, which has attracted crowds of 700 at other, contentious hearings in the past year, drew about 150 people at Alma's community center.

The boards of the Upper, Middle and Lower Republican Natural Resources Districts have negotiated with state officials over the districts' individual water management plans to control groundwater irrigation.

The plans are needed to comply with a court settlement between Nebraska and Kansas, which sued Nebraska in 1998, claiming that its residents took too much water out of the Republican River in violation of a 1943 compact between the two states.

Nebraska agreed to increase and maintain flows in the Republican River south into Kansas. The settlement requires irriga-

tion districts to impose restrictions on the amount of water farmers can pump.

Lower Republican district board members and district farmers have said that state officials are making local farmers bear the brunt of the settlement.

Don Adams of Lincoln, executive director of the pro-irrigation Nebraskans First organization, encouraged the board to reject the plan and let the responsibility and accountability for its impact on farmers and communities be borne by Gov. Dave Heineman and the State Natural Resources Department.

"I'm sure that the governor and the DNR would prefer for you board members to be the ones in the line of fire as this plan goes forward," Adams said.

The management plan divides the resources district into areas east and west of U.S. Highway 183.

West of the highway, wells drilled before Jan. 1, 2001, would receive an average annual allocation of 12 inches per acre. Newer wells would be limited to 10 inches.

The allocation east of the highway would be 11 inches for old wells and 9 inches for new wells.

To compare with other resources districts in the basin, the Upper Republican's current allocation in the southwest corner of Nebraska is 14.5 inches. The Middle Republican has approved an average allocation of 13 inches.

The Lower Republican district oversees more than 4,300 irrigation wells pumping groundwater in all or parts of Furnas, Harlan, Franklin, Webster and Nuckolls Counties.

APR 28 2005

Universal Information Services, Inc.

Trail to link two communities coming soon

D.C. trail to be completed in fall

By Jolene Stevens

Star News Reporter

E-mail: features@dakotacountystar.com

Dakota City and South Sioux City cyclists and walkers can look forward to a longer route with the completion of a new bike and walking trail. The extension of the current Al Bengtson Recreational Trail that makes its way through South Sioux City will be united with a new recreational trail planned for Dakota City.

Bob Peters, city administrator of Dakota City, says he expects bids to be let the first week in June on the new Dakota City walk/bike trail, a joint effort of the City of South Sioux City and Dakota City.

Cooperative funding will be available from two agencies is being used to make the trail a reality, Peters noted. Total projected cost of the 2.6 mile, 10-foot wide concrete trail is \$603,000. The Nebraska Department of Roads Transportation Enhancement Program is providing 80 percent of the necessary funding with the balance to be paid through local match monies, Peters continued. The Papio Missouri Natural Resources Department has awarded the two cities a \$60,000 grant to assist in covering the local match cost.

"The trail will provide a safe transporta-



Tyler Lane, 10, and Danielle Lane, 7, of Dakota City look forward to riding their bicycles on the new Dakota City trail that will connect with South Sioux City's recreational trail in October. (Photo by Jolene Stevens)

tion option for persons who today walk or bike to school or work on the shoulder of IBP Avenue," Peters said. "It will, in addition, add another link to a multi-state trail system in Siouxland."

The trail will extend, Peters explained, from the Dakota City Elementary School to the trail system at 39th Street in South Sioux

City. The trail route will pass in front of the Siouxland Family Center, cross IBP Avenue at the stop light across from Tyson Fresh Meats and proceed north on the east side of IBP Avenue/Dakota Avenue to 39th Street, where it will connect with the South Sioux City Trail system.

Some worry about NRD's rule changes

5-13-05
BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

Opponents of massive dams were dealt what they considered a setback Thursday night when the Papio-Missouri River Natural Resources District adopted new rules relating to project development and emergency meetings.

The NRD board members and attorneys have told residents of Washington and northern Douglas Counties that the new rules simply put into writing existing practices.

But residents whose property could be condemned for the dams aren't buying that position.

"The real rub is that we earned our property honestly," Tyler Mohr, a Douglas County farmer, told the board Thursday, "not by secrecy, changing the rules or manipulating the law."

Paul Peters, attorney for the district, said the change having to do with emergency meetings is intended to bring the board's policy in line with state law.

The new rule requires the district to make "reasonable" efforts to notify the news media of an emergency meeting. If public notice can't be made, the district is to post the minutes by the end of the next business day, including an explanation of the emergency.

Another change stipulates that the board can vote to change its policies. A third change states that NRD policies requiring competitive bidding do not apply to projects undertaken in partnership with private developers or other governmental agencies.

The measure passed 7-1, with board member Dorothy Lanphier voting against it.

As she has done before, Lanphier asked district management Thursday to detail how effective it has been in undertaking projects without competitive bids.

Marlin Petermann, assistant general manager, has told Lanphier that fulfilling her request would take an extensive amount of work.

In other business, the board decided that geocachers will need to obtain a permit to stash caches on district property. The board unanimously approved rules that require individual permits for each item hidden.

In the game of geocaching, people hide "treasures" and then post the longitude and latitude coordinates online. The treasure can be a scenic vista, a trinket or an interesting landmark.

Other players copy down the coordinates and then look for the treasures, using Global Positioning System devices.

Permit applications will be posted on the district's Web site, said Christine Jacobsen.

Existing caches also must have permits, she said, or they will be removed.



Rex Nielsen of Gering stands on a culvert on Pumpkin Creek in western Morrill County. Just a few years ago the grassland behind him was a small lake, now drained by upstream use of center-pivot irrigation wells.

Nebraska Supreme Court to decide water law case

The complicated legal battle pits surface-water users against groundwater irrigators.

BY KEVIN O'HANLON
The Associated Press

For decades, the cattle and crops of the Spear T Ranch were sustained by the water flowing in Pumpkin Creek.

Now, the owners of the 1,000-acre Panhandle ranch have to dig pits to find water.

They say their water is being stolen by other farmers and ranchers who have drilled wells and are pumping out the groundwater that feeds the creek.

All those wells and years of drought leave the stream dry most of the time.

"After the pumps are shut off for a few months, we start getting a little bit of water back," said Rex Nielsen, a Spear T owner. "Right now, there's a few stretches that

On the Web

Nebraska Supreme Court:
court.nol.org

Department of Natural Resources:
www.dnr.state.ne.us

have water in them—but it's not really flowing. When they start irrigating, they just disappear again."

The state, which granted surface-water rights to Pumpkin Creek to Spear T in 1954, says it can do nothing to stop the groundwater irrigators. So the Morrill County ranch has sued the state, seeking \$4 million in damages.

The dispute is being watched closely across the state and finally has reached the Nebraska Supreme Court, which will hear the case June 1. Its decision could reshape Nebraska's water law and policy.

The case is the second piece in a complicated legal battle pitting surface-water users against groundwater irrigators. The high court earlier this year said Spear T could sue irrigators for taking too much water from area streams.

Although many streams rely

heavily on groundwater for replenishment, the state has treated ground and surface water separately.

The flow in streams and rivers is controlled by the state, which sets water allocations for surface irrigators.

Groundwater irrigators, on the other hand, are controlled by their local natural resources districts, which allocate groundwater equally to each user.

According to the North Platte Natural Resources District, groundwater irrigation wells in the Pumpkin Creek basin increased from 250 in 1970 to 500 in 2000. The district now has a moratorium on new wells.

Statewide, the number of wells jumped from 39,660 in 1970 to nearly 100,000 today, according to the Department of Natural Resources.

Spear T lawyer Thom Oliver says the law requires the state to protect the surface water users.

"Long ago, the Nebraska Supreme Court established that the predecessor to the DNR had an af-

See WATER, Page 6C

Water

Continued from Page 1C

firmative duty to protect surface water appropriators," he said. "Neither case law nor statute has solved this duty."

Oliver said the Department of Natural Resources "idly stands by while unregulated or underregulated ground water pumping drains a running stream."

Oliver cites a 1935 ruling by the high court in a case involving Mitchell Irrigation, which had water rights in Wyoming but was using some water from Nebraska.

In that case, the high court said, "we think it cannot be seriously questioned that the state, even though it has no pecuniary interest in the institution of this action, has a right and a duty to protect the inter-

ests of water users."

Assistant Attorney General Justin Lavene argues the state has no duty to regulate the groundwater irrigators.

"One ... cannot be negligent in failing to perform an act which one did not ... have a duty or obligation to perform," he said, citing briefs submitted in the case. "There is no statutory or common law legal duty imposed on the department to regulate ground water use."

"For over 100 years, the department has interpreted Nebraska statutes as only granting it the authority to regulate surface water," he said. "If the department had been interpreting the statutes incorrectly, it would seem very likely that the Legislature would have made some type of correction ... or clarification."

In a friend-of-the-court brief, several surface water irrigators ar-

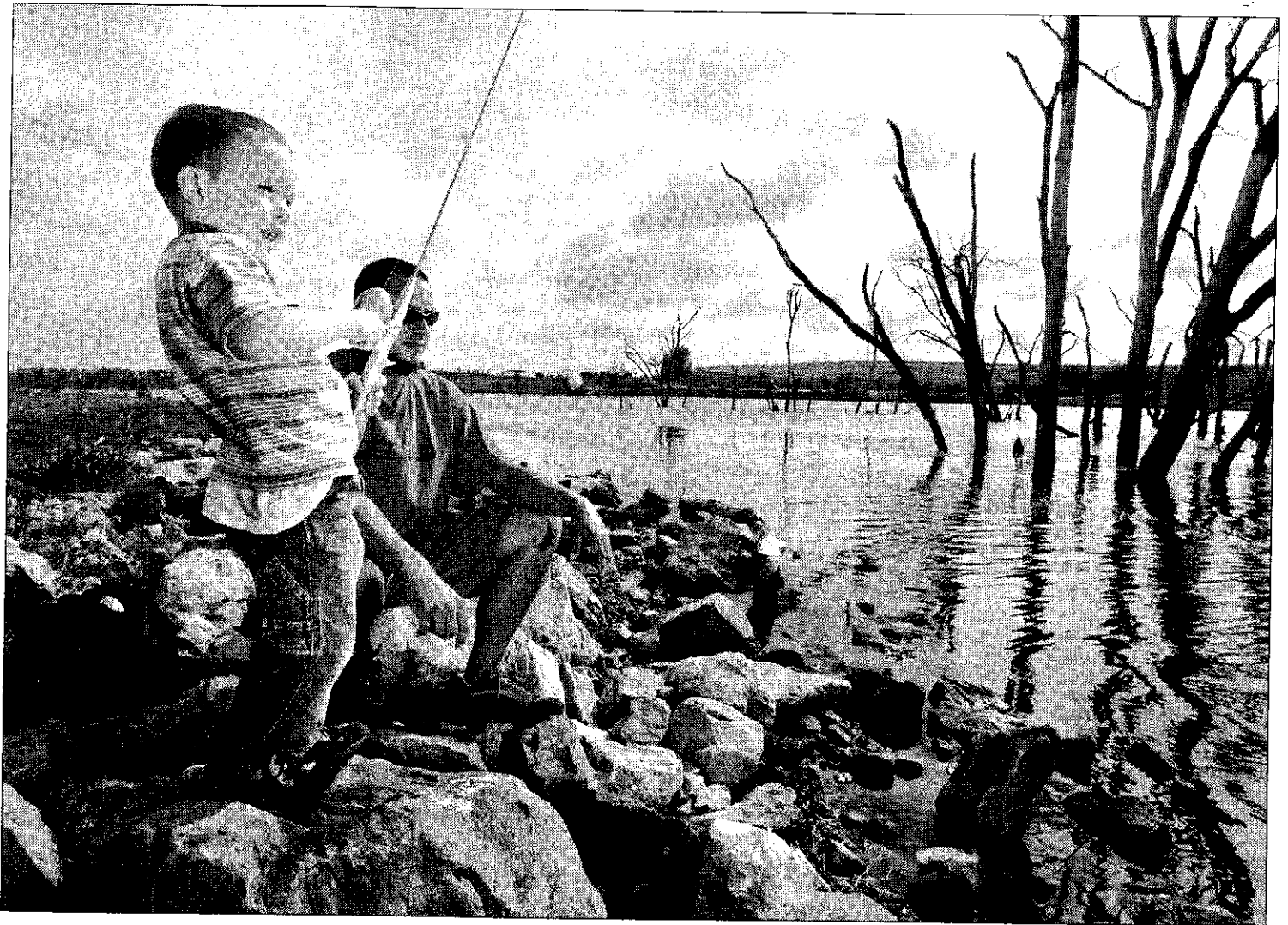
gue they have a constitutional right to the water even though the appropriations were granted by the state years ago.

"In violation of its public trust, the state, for apparent political reasons, belatedly attempted to pass off its trust obligations and duties to 23 locally elected NRD boards controlled in large part by groundwater users," said attorney Steven Smith. "The reason this scheme has utterly

failed to protect our streams is obvious."

Meanwhile, Spear T has had to dig pits near the creek to find water for its cattle.

"We literally dug holes down to where the water is," Nielsen said. "The bad part of it is they are still lowering the water table out there. There's a limit to how deep you can dig for water. You'd have an open-pit mine out there."



JEFF BEIERMANN/THE WORLD-HERALD

Spencer Paskach, 3, fishes with dad Brian at Walnut Creek Lake last week. Papillion is in the process of obtaining ownership of the lake.

Lake, equipment are gifts Papio can bank on

5-18-07
By NANCY GAARDER
WORLD-HERALD STAFF WRITER

The Papio-Missouri River Natural Resources District was in a generous mood when it donated the "crown jewel" of the Papillion area to that city.

Last week, the NRD board voted to give Papillion the \$8 million Walnut Creek Lake and Recreation Area.

As a board committee reviewed the offer earlier in the week, Papillion City Administrator Dan Hoins had a simple request: Could the city also have the \$177,000 in equipment being used to maintain the park?

That, he said, would make the deal "much more palatable."

The answer was yes.

Thursday night, the district voted unanimously to give the

Walnut Creek Lake and Recreation Area

A 470-acre park with a 105-acre lake.

Activities include fishing, birding, walking, bike riding, picnicking, camping and horseback riding; there's a playground and, coming soon, an outdoor amphitheater.

It is southwest of Highway 370 and 96th Street, with entrances on 96th Street and Schram Road.

park as well as the equipment to the city. The next step is for the Papillion City Council to vote on accepting the donation. The actual transfer would take place in October 2007.

Built to provide flood protection for Papillion, the lake was opened in 1999.

By donating the park, the NRD will save \$200,000 a year in maintenance costs.

Steve Oltmans, general man-

ager for the Papio NRD, said the district prefers not to maintain parks that are in a city's jurisdiction. Otherwise, the two governments are duplicating staff and equipment.

"People talk about duplication of services," he said. "This is a pretty unique story from that standpoint."

Oltmans said the district can justify donating the equipment because it would be considered

surplus once the district no longer owned the park.

By 2007, he said, when the ownership transfer occurs, the value of the assorted mowers, tools, office equipment, a boat and a truck is expected to drop to about \$87,000.

Hoins promised the city would do its best to keep up the park.

"It's often referred to as the city's crown jewel," Hoins told the board. The park, he said, has served as a magnet for the construction of as many as 2,000 homes, so the city appreciates its importance.

When pressed by the board about whether Papillion would continue to have someone live at the park, Hoins could not commit. That was a detail, he said, that he had not discussed with the City Council.

Papillion amphitheater dream is a step closer to reality

By JOE DEJKA
WORLD-HERALD STAFF WRITER

The dream of a former school band director hit a crescendo Monday afternoon as ground was broken for a 600-seat amphitheater near Papillion.

Ken Molzer, former director of the band at Papillion Junior High, served as master of ceremonies as local dignitaries gathered under a tent for the groundbreaking at Walnut Creek Lake Recreation Area.

Ground is broken for the 600-seat project, and fund raising continues.

"I hope that 50 years from now people will come out and say, 'Hey, this is pretty nice,'" Molzer said.

In a taste of what's to come, 16 members of the Papillion Area Concert Band — the nonprofit organization that has led the fund raising — played their instruments in the open air beside the tent.

Molzer envisions a range of

uses, such as symphony concerts, theater productions and youth activities. The stage would accommodate a 100-member ensemble. The project sits squarely in an area south of Nebraska Highway 370 that is growing by leaps and bounds, with new housing subdivisions, a decorative boulevard, a major shopping center and two new manmade lakes.

The former band director was

greeted with enthusiastic applause from the crowd of about 100 people after his introduction by Papillion Mayor James Blinn.

The project "wouldn't have even been a thought without Molzer," Blinn said.

Molzer joked that the project "started last century" when he proposed building a small band shell at Papillion's Halleck Park. Focus later was shifted to the Walnut Creek Lake Recreation Area, where the Papio-Missouri River Natural Resources District agreed to donate land.

Dignitaries turned ceremonial scoops of dirt near the grassy slope immediately south of Papillion-La Vista South High School and east of 108th Street, where the \$1.5 million amphitheater will rise.

So far about \$800,000 in public and private funds has been raised. The Peter Kiewit Foundation has pledged a \$200,000 challenge grant toward construction. The grant will be awarded if amphitheater supporters can raise the balance of the \$1.5 million project's costs by March 2006.

Molzer said the fund-raising drive will continue, and he's "cautiously optimistic" that construction will be done next year.

The first construction phase includes grading and building the parking area, entrance, stage, roof and minimum lighting. Later phases would include dressing rooms and restrooms for performers, scenery storage areas, a concession plaza, public restrooms and fixed seating for 600 people.



JAMES R. BURNETT/THE WORLD-HERALD

Michelle VanderWoude and dogs T-Bone, Baxter and Macy get some exercise on a section of the nearly completed Happy Hollow Trail just north of Dodge Street.

Happy Hollow walkers soon will reach the end of the trail

5-17-05

By CHRISTOPHER BURBACH
WORLD-HERALD STAFF WRITER

The Happy Hollow Trail is nearing completion.

Sort of.

Enough should be finished soon for people to traverse its entire central Omaha route, from Memorial Park to Metcalfe Park.

Crews from contractor Navarro Enterprises are hurrying while the sun shines to finish paving a few remaining stretches.

Weather permitting, they should complete the pavement by the end of the week, making the trail usable, said Larry Foster, Omaha parks director. Navarro is on schedule, Foster said, to complete striping, signs, railings and lawn repair by the July 29 deadline.

That's the good news.

But there's bad news, too.

The contractor can't build a small part of the trail as planned without shoring up an eroding creek bank.

That could cost as much as \$100,000 more than the \$415,000 contract approved by the Omaha City Council. City officials don't want to rush into a bad decision on fixing the bank, Foster said.

So the city has asked Navarro

Paving should be completed by week's end, but some problems remain.

to patch the problem for now and seek a permanent solution next year.

"We're going to go ahead and put that in as a temporary section, closer to the street and narrower than planned," Foster said. "That would give us this fall to figure out how to stabilize the bank."

The problem area makes up short sections along the west side of Happy Hollow Boulevard between Dodge Street and Underwood Avenue.

North of a driveway at Brownell-Talbot School, a steep creek bank has eroded in places almost to the curb.

Foster said the erosion worsened between 2002, when the route was mapped, and the project's 2004 approval. So repairs weren't part of the original job.

The city will consider such options as a wall or wire baskets of rocks to hold the creek bank, or a footbridge to span the gaps.

Stabilizing a similar stretch of eroding bank in Memorial Park, closer to Dodge Street,

was part of the original job. That has been completed.

The Happy Hollow Trail is a trail only by loose definition. It matches the standard image of a wide, curvy path only in stretches—notably on its northern end, at the peanut-shaped traffic roundabout near Happy Hollow and North Saddle Creek Road; and in southern stretches, in Memorial Park and along Happy Hollow near Dodge.

Between those points, the trail will be a collection of new, wider sidewalks; existing sidewalks; and bike lanes on streets. Bike lanes have yet to be painted.

There have been a few glitches, such as damage to lawn sprinklers. Gil Navarro, owner of Navarro Enterprises, said sprinkler and lawn damage couldn't be avoided and will be repaired without cost to homeowners.

One morning this week, a young mother huffed up a Happy Hollow hill on a new sidewalk. Pushing two toddlers in a jogging stroller, she paused to offer mostly praise for the trail, although many of her neighbors opposed it.

Runners will like and use the paths, she said, lauding the gentle ramps at street corners and the saving of trees. But she said bicyclists probably will prefer trails that don't cross streets.

Walnut Creek to transfer to city in '07

5-19-07
By Mitch Beaumont

Times Managing Editor

Two and a half years from now, Papillion residents may have a new city park at their disposal.

Tuesday night the Papillion City Council voted to approve an interlocal agreement with the Papio-Missouri River Natural Resources District, which said the city would take over Walnut Creek Recreation Area in October 2007.

Last week the NRD board approved its part of the agreement, which would transfer ownership of most of the recreation area land and NRD equipment to the city. The NRD would maintain its management responsibilities for the dam and anything below the surface of the lake.

With the NRD's concession to donate most of its equipment, about \$80,000 to \$90,000 according to 2007 values, the start-up costs for the city will be minimal, said Mayor James Blinn.

"There is no money changing hands between the city and the NRD," he said.

"That's what made this possible."

The decision to donate the equipment, said Steve Oltmans, general manager of the NRD, was met with some consternation among the board of directors, but ultimately it's important the park be integral in the Papillion community and the best way to achieve that is to transfer control to the city.

"I think it will always be part of the Papillion community. If you look at the comprehensive plan for Papillion, 20 years from now it will be sitting right in the middle of the city," Oltmans said. "It just makes sense that they operate it ... they've got capable park people already and we can focus on another major project, I hope."

The city estimates operating Walnut Creek will cost more than \$187,000 a year in staffing, two full-time and one part-time employees, and more than \$15,000 for road maintenance in the park.

The city would take in approximately \$50,000 in campground fees each year,

according to a memo, included in the City Council packet, from Public Works Director Marty Leming to Chris Myers, the assistant city administrator.

Additional revenue would also be made available from the state when the city takes on the additional lane miles, also, according to the memo.

Blinn is partially planning on the costs to be incurred by the city two and a half years from now to be absorbed by a massive infusion of sales tax revenue from the Market Pointe and Shadow Lake Towne Center (formerly Papillion Promenade) developments.

"It's partially possible because we anticipate a sales tax increase and that will allow us to enhance that park," Blinn said. "I believe there will be projects that will be projects contingent on that sales tax coming in. We won't budget any dollars in this year from sales tax. I won't put any sales tax dollars in, absent new information coming available, based on either of those projects in next year's budget."

Enterprise Letters *Blair Ne 5-20-05*

NRD policy changes criticized

For whatever reason Papio-Missouri River Natural Resource District (P-MRNRD) board member Dick Connealy has been absent from the last three NRD board meetings. Connealy who "represents" subdistrict No. 1, which includes the counties of Dakota, Thurston, Burt and Washington, has continually neglected to give his constituents a voice.

At the May NRD board meeting, the directors voted to add paragraph 15.9 to the District Policy Manual. This addition will allow this NRD, a tax collecting and spending board, to NOT have to take competitive bids and allow this NRD to public/private partner with developers on projects, such as building dams.

The P-MRNRD couldn't get this power through the legislature via LB 552, which would have given the P-MRNRD the power to "enter into cost sharing agreements with landowners, developers and other co-operators in connection with such dam and reservoir projects..." This bill didn't even make it out of committee this year. But it is quite obvious to me that the NRD didn't even need this bill to have the authority to public/private partnership. All they had to do was change their own rules. And they did.

The board also voted to amend policy 1.3. This addition would allow the NRD to

circumvent powers provided by law and vote themselves their own policies based upon what they deem necessary. The powers that have been provided to this NRD by law will no longer apply as the board can now authorize, provide or necessarily imply their policies by subsequent resolutions of the board.

The board amended their Emergency Meeting policy, too. This policy, 4.2, states that the NRD must only make "reasonable efforts" in contacting the media when holding such meetings. The example given by legal counsel Paul Peters was an emergency meeting in case of a flood. Imagine that. As the NRD board must meet quickly in this case, a "reasonable effort" must be made to contact the news media regarding the time, place and subject of the meeting. Mr. Peters, what could the NRD board do in an emergency meeting regarding flooding? Could the meeting be one in which "flood control" dam sites are approved without any public input and to avoid affected property and landowners who will stand to lose their businesses, homes, livelihoods? I wonder...

I was among a group of land and property owners from both Washington and northern Douglas counties who were present to voice our oppositions to these policy

changes. Being from Washington County, I feel as though my elected representative, Dick Connealy, absent from voting on these policy changes, is not representing his constituents. No vote, no voice. It is quite apparent to me that Mr. Connealy is having a hard time fulfilling his responsibility to serve those he was elected to represent.

The northern Douglas County Representative Richard Tesar isn't any better. Apparently his opinion is that competitive bids are not necessary when spending taxpayer dollars and an unelected general manager, accountable to no one, could "negotiate" to spend your tax dollars better. Too bad we will never know what Mr. Connealy thinks.

While it is just a matter of time before thousands of acres of agricultural land, homes and businesses in northern Douglas and Washington counties will be threatened with condemnation for the implementation of unnecessary dam sites, our elected representatives turn a deaf ear to the will of their constituents or just don't show up to vote. The only voice we seem to have are of those of us who attend these meetings on a regular basis. Sadly, our voices aren't being heard this way either.

Jennifer Andersen
Kennard

W-H
Tax and spend 5-23-05

This is in response to the May 16 news story, "Lake, equipment are gifts Papio can bank on." It's about the Papio-Missouri River Natural Resources District board voting to give the City of Papillion the \$8 million Walnut Creek Lake and Recreation Area and \$177,000 in equipment being used to maintain the park.

For Omahans who don't pay much attention to this tax-and-spend board, the Papio-Missouri River NRD includes Sarpy, Douglas, Washington, Burt, Thurston and Dakota Counties. Won't the taxpayers in all of these counties will be thrilled to learn that they are paying for equipment that now will be used exclusively by the City of Papillion?

The Papio-Missouri River NRD tries to appease people by handing out gifts and money like candy on Halloween night so that when it comes time to do big projects like building unnecessary flood-control dam sites in northern Douglas County and Washington County, no one except maybe a few hundred affected landowners and homeowners care.

The board of directors doesn't even question this misuse of taxpayer dollars. It pours money into recreational trails, unnecessary lakes, a pedestrian bridge across the Missouri River and the Bellevue riverfront.

Taxpayers throughout the district shouldn't forget that they fund these gifts and projects.

Jennifer Andersen, Kennard, Neb.

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

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And nature pushes back

People might not think the Dead Sea could be any more dead or that the Panama Canal could have too little water. But reports say excessive human intervention is making both happen.

■ The Dead Sea has shrunk by one-third in 50 years and could do so again over the next 20. Experts, the Washington Post says, blame chemical extraction from the sea's salty waters and diversion of the inflowing Jordan River for drinking water and irrigation.

What's the impact? Seashore assets valued by Israel are being stressed — plants, animals and the region's resort industry.

■ As for the Panama Canal, logging and slash-and-burn agriculture are thinning forests surrounding the lake, causing water that otherwise would trickle slowly from the soil to run off faster, the New York Times reported.

**Human activity,
 even if
 well-meant,
 can unexpectedly
 lower canals and
 kill a Dead Sea.**

That means the water leaves the lake more quickly, leaving less stored water for the fill-and-drain process that lifts and lowers oceangoing ships through the locks.

One of these famous water bodies was carved by nature, the other by human beings. Both are being damaged by unintended consequences of human activity.

It's rather like what has happened here in Nebraska, where the hydrological system has been upset by extended drought and the drilling of hundreds of wells in the Panhandle. The combination is said to have done much to deplete the central Platte River at times and to shrink man-made Lake McConaughy, which needs a steady inflow of water for irrigation, electric generation and tourism.

And thus humans, in altering their environment, sometimes get less than they bargained for.

River woes affecting ^{W-H} barge traffic ⁵⁻²³⁻⁰⁵

SIOUX CITY, Iowa (AP) — A continued drought and the ongoing battle over management of the Missouri River has left river docks in Sioux City silent.

Spring is usually a busy time at the Big Soo Terminal, but the low river levels and the political fight have forced the Big Soo and other ports to face a second straight season without barge traffic.

Area businesses say the loss of navigation has forced them to divert more shipments to rail and truck, which are more costly and could push up consumer costs.

"It impacts a lot more people than most folks realize," said Dave Bernstein of Sioux City-based State Steel, which has used barges to transport large steel coils up the river. "All of those items have a big transportation component. When it costs more to get them here, they cost more."

Corky Bailey of Jebro Inc., which has an asphalt terminal in Bridgeport, Neb., said the cost of transporting the material by rail is about twice that of shipping by barge.

In mid-April, Jebro's rail rates jumped 54 percent, Bailey said.

"I don't know if it has anything to do with the river or not — the rail lines won't say if it has anything to do with the river — but our rail rates are sure going up like a rocket," he said.

Barge interests have struggled for years to keep consistent flows for upstream navigation. Some environmental groups wanting to protect endangered species and recreation have opposed the barge interests, saying more water should be kept in reservoirs in Montana and the Dakotas.

The U.S. Army Corps of Engineers has been considering changes to its master plan that historically has favored navigation.

Hazardous waste center to open June 1

■ Douglas and Sarpy County residents can dispose of certain household products by appointment at the new facility.

5-23-05

BY RICK RUGGLES

WORLD-HERALD STAFF WRITER

If you live in Douglas or Sarpy County, you'll soon have a place to dispose of old paints, lawn chemicals, motor oil and other hazardous waste.

After considerable delay, the City of Omaha's household hazardous waste facility, called Under the Sink, will officially open June 1.

The center was expected to open last year, but problems with the roof, floor and furnace led to numerous delays.

"There was a combination of issues," City Public Works Director Hank Vieregger said.

The general contractor, Up-land Construction Co., was not penalized. The problems were attributable to subcontractors, said Bob Sink, the city's environmental services manager.

The \$1.2 million center has undergone a test period since May 10, with people who have registered at home shows or online for dropoffs. About 20 dropoffs per day have been accepted from those people.

"It's just a shakedown cruise," Sink said of the dropoffs accepted this month.

Appointments will be taken in 15-minute intervals.

Public works administrators said they want the center's

small staff to have time to talk to people about what kind of material they are handling and how old it is. Household hazardous wastes can cause burns and fires, and can produce toxic gases and fumes.

On the other hand, Sink said, if a person has a product categorized as a household hazardous waste, that doesn't mean it should be disposed of immediately.

"If you've got material that can be used, use it," Sink said. "Use it for what it was intended to be used for."

Only Douglas and Sarpy County residents may use the center at this time, although that might change eventually.

The city has set up a shop in the center where unopened containers of paint and other materials will be given away to those who can use them.

Under the Sink

What: Household waste facility at 4001 S. 120th St.

Public hours: Wednesdays, 9 a.m. to 5 p.m.; Thursdays, 9 a.m. to 6:30 p.m.; Fridays, 9 a.m. to 5 p.m.; Saturdays, 9 a.m. to 1 p.m.

How to use: Dropoffs by appointment only. Call 444-7465 beginning Tuesday.

What's acceptable: Batteries, paint, old medicine, fluorescent tubes, lawn and garden chemicals, motor oil, devices containing mercury, other items.

What's not acceptable: Garbage, gasoline, propane tanks, explosives, ammunition, tires, appliances, electronics, smoke detectors, asbestos, radioactive material, waste from businesses.

Cost: Free.

8 governors sign Missouri Basin accord

5-26-05
BY DAVID HENDEE

WORLD-HERALD STAFF WRITER

Despite years of contentious disputes and lawsuits, all eight governors of Missouri River Basin states have agreed to set aside their differences and fight to save water in the river.

The governors, in a resolution that took three months to draft and be signed by all, agreed there is a need to mitigate the effects of continued drought in the basin.

They called on the Army Corps of Engineers to do what it legally can to conserve water behind its five Missouri River dams from Nebraska to Montana.

"This a big deal," said Mark Johnston, spokesman for South Dakota Gov. Mike Rounds.

"When was the last time that the eight basin governors agreed on anything? Nebraska's needs are not totally the same as North Dakota, and Missouri's are different than Montana's."

Rounds led the effort to draft a resolution addressing drought, lack of runoff into the upstream basin and the need for maximum conservation efforts. It also calls for "full and adequate" federal funding to help endangered and threatened species.

"We're not talking about saving several feet of water in the reservoirs; we're talking about inches," Johnston said.

Missouri Gov. Matt Blunt made the effort unanimous when he signed the resolution last week, Johnston said. Blunt's signature put Missouri in line with Iowa, Kansas, Montana, Nebraska, North Dakota, South Dakota and Wyoming.

Paul Johnston, a corps spokesman in Omaha, said the agency had been trying to save as much water as as possible upriver.

Flows are too low, for example, to support barge traffic north of Omaha to Sioux City, Iowa. The corps also expects to shorten this barge season by 61 days.

The corps initiatives will save about 500,000 acre-feet of water in the reservoirs this year.

Groups target obstructions in river

NRDs and a Platte alliance want to remove pilings to improve safety.

BY ALGIS J. LAUKAITIS
Lincoln Journal Star

Old railroad and bridge pilings in the Platte River near Louisville will be removed this fall as part of a pilot project to improve public safety and restore the naturalness of the river.

"Some of them are dangerous.

Depending on the height of the water, you can't see them," said Steve Oltmans, general manager of the Papio-Missouri Natural Resources District, based in Omaha.

Oltmans has pushed for years to get the wood, steel and concrete pilings removed. Hundreds were left when floods washed out bridges or railroads abandoned their lines.

"Some of the (concrete) chunks ... are huge," said Rodney Verhoeff, coordinator of the Lower Platte River Corridor Alliance. "We're talking the size of a half a car."

The alliance is working to protect the long-term vitality of the river

and its resources, and has identified 12 spots with such obstructions along a 110-mile stretch of the river between Columbus and Plattsmouth. They were found last year with the help of the Nebraska Airboaters Association.

As part of the pilot project, the alliance plans to remove dozens of pilings near the U.S. 50 bridge at Louisville this fall. When the river is low enough, workers will build a sand causeway and use a backhoe to pull or dig the pilings out of the river bottom.

A similar method was used to remove hundreds of pilings near the

Lied Platte River Bridge at South Bend, Oltmans said. The pedestrian bridge, dedicated in 2002, is the centerpiece of a proposed recreational trail between Lincoln and Omaha.

Public safety is the No. 1 reason for removing the pilings, Verhoeff said. The obstructions create problems for swimmers, canoers and airboaters, he said.

Verhoeff cited an accident several years ago in which someone drowned after a canoe was pushed up against a piling near the U.S. 50

See RIVER, Page 6B

River

Continued from Page 1B
bridge at Louisville.

Oltmans said the pilings can damage the hulls of airboats and other watercraft. Those near the U.S. 50 bridge are a special hazard because they are close to a boat ramp, he said.

Getting rid of the pilings also will help restore the river's natural condition and eliminate flooding caused by floating debris and slabs

of ice that sometimes get jammed against the pilings.

Verhoeff said the alliance has to get a Section 404 permit for the U.S. Army Corps of Engineers before it can proceed with any work.

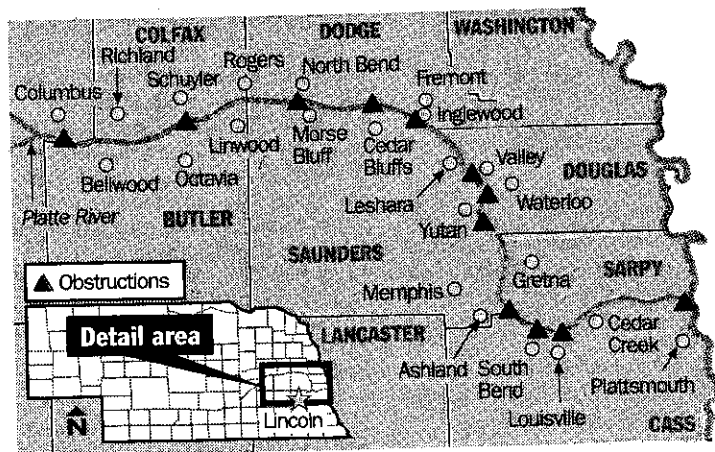
An environmental assessment will be done in conjunction with the U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission, he said. That's because the lower reach of the Platte River is home to three endangered or threatened species: least tern, piping plover and pallid sturgeon.

The total cost of the project is estimated at \$150,000. Verhoeff said the alliance has about half of the money, contributed mostly by the Papio-Missouri and Lower Platte South natural resources districts.

Verhoeff said it will take a lot more money to remove pilings at the other 11 locations. He said the alliance may seek congressional funding to pay for those projects, which could take years to complete.

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

Platte River obstructions and locations



Source: Lower Platte River Corridor Alliance

MATT VAN DRIEST/Lincoln Journal Star

Ranch battles state over water in creek

BY ART HOVEY
Lincoln Journal Star

An attorney for a Morrill County irrigator told the Nebraska Supreme Court on Wednesday the state should pay \$4 million in damages for depleting Pumpkin Creek.

Thom Oliver of Bridgeport said the state should bear direct financial responsibility for not clamping down on a situation in which new irrigation wells along the western Nebraska creek diminished surface water irrigation by the Spear T Ranch.

"How can the state Department of Natural Resources stand idly by," Oliver asked the seven justices, "while massive groundwater pumping depletes that creek?"

Wednesday's legal clash adds another chapter to a story of enduring drought, heavy irrigation and increasing conflict among water users in the nation's leading groundwater-irrigating state.

Much of the tension arises between irrigators

who pump directly from fading rivers and streams and those who pump from nearby wells.

But Justin Lavene of the Nebraska attorney general's office told justices that authority to regulate groundwater use rests with the state's 23 natural resources districts, not with the state.

"For us to be negligent," Lavene said, "we have to have a duty to protect."

The two types of irrigators have also been operating under different water conservation rules.

In times of shortage, the oldest water rights held by surface pumpers have the highest priority. Groundwater pumpers were supposed to share limited water equally, no matter when their wells were drilled.

Through several recent and major updates to water law, the Nebraska Legislature has recognized that groundwater pumping often hurts surface flows.

But the state's attorneys argue there are still



BRIAN LEHMANN/For The Journal Star

See CREEK, Page 2B

The Nebraska Supreme Court heard oral arguments in an irrigation battle Wednesday.

■ Creek

Continued from Page 1B

clear lines of authority for regulating water use.

So far, acknowledgement of the hydrologic connection between water above and below ground has not evolved into financial damages against the state.

Of course, there's always a first time, Spear T attorney Oliver said as he laid out the irrigation harm he said has been done to his clients, brothers Rex, Kim and Eric Nielsen, by lax state regulators.

"My feeling is that this is a significant case," he said, "because, if the state doesn't have that duty, then who is going to look out for them?"

Dave Cookson, special counsel to Attorney General Jon Bruning, disagrees about responsibility but not about the significance of matters the high court is likely to decide by the end of the year.

"In the scheme of things, this case and LB962 really lay out where we go from here," Cookson said.

The passage of LB962 last year allowed Director Roger Patterson of the Department of Natural Resources, in consultation with natural resource districts, to declare river basins in the state either fully appropriated or overappropriated.

Lawmakers also directed Patterson's department to work with natural resource districts to establish integrated management plans that would limit irrigators, municipalities and other water users to sustainable levels.

Cookson said the law has not blurred the lines of water authority. Furthermore, "as long as it's done under an integrated management plan, it's entirely practical, and it's feasible."

That's not to suggest that there's a clear path between the problems and solutions that go with Nebraska's finite water resources.

One source of uncertainty is the

separate Spear T v. Krub lawsuit Oliver has filed against users of irrigation wells along Pumpkin Creek.

Earlier this year, the Supreme Court overturned a lower court's decision and said the ranch owners had a right to seek damages from groundwater users.

The Central Nebraska Public Power and Irrigation District, based in Holdrege and manager of Lake McConaughy, has tried to intervene in that case out of a concern that intense groundwater pumping has also compounded the drought's depleting effects on the state's largest lake.

A Morrill County district judge denied the district's request last week, and that decision was almost immediately appealed, said Tim Anderson, spokesman for Central.

"We think we have a very big reason to be involved in that case," Anderson said later Wednesday, "and we were quite disappointed that the district judge didn't allow us in."

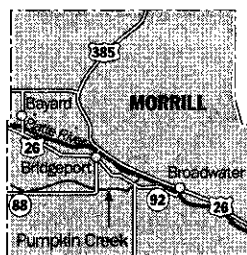
Dave Aiken, water law specialist at the University of Nebraska-Lincoln, said any Central success in joining the case would add money and legal expertise on the Spear T side of the argument.

"I think the odds for surface-water users go up quite a bit if Central Nebraska Public Power and Irrigation District gets into that trial," Aiken said.

But Mike Jess, former director of the state's water-regulating agency and now on the UNL faculty, said court action could also be more complicated than victory or defeat for any plaintiff or defendant.

"I think what the justices have demonstrated when they've wrestled with this in the past is that it's likely to go anywhere," Jess said.

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



MATT VAN DRIEST/Lincoln Journal Star

Spear T's battle is part of increasing conflict among water users.

Platte miniwave for the birds

■ A federal agency plans to tap shrinking Lake McConaughy to benefit wildlife.

6/13/05
BY DAVID HENDREE
WORLD-HERALD STAFF WRITER

LEXINGTON, Neb. — The U.S. Fish and Wildlife Service plans to tap its share of water from drought-stricken Lake McConaughy next year to send a miniwave down the Platte

River to benefit wildlife. Some members of the Governor's Platte River-Citizens Advisory Council meeting Thursday greeted news of the plan with concern and disbelief.

It would be the first time since 2002, when Lake McConaughy started its steep decline

to record low levels, that the federal agency has exercised its right to release a pool of water.

The release is designed to mimic high-water flows out of the Rocky Mountains and plains that historically scoured the river and created wetlands.

Sharon Whitmore of Grand Island, who manages the agency's water account in the reservoir, said planners hope that natural flows in the central

See Platte; Page 2

About pulse flows

Water is held in Lake McConaughy's "environmental account," created in 1999 to supplement flows in the Platte River to benefit threatened and endangered species.

Ten percent of the storable flow into McConaughy from October through April is contributed to the account.

Pulse flows imitated the effects of high water from spring rainfall.

and snowmelt runoff before the Platte was harnessed by development.

There will be no pulse flows this year, nor were there any in 2003 and 2004.

The Fish and Wildlife Service released pulse flows in 2000, 2001 and 2002.

Source: U.S. Fish and Wildlife Service

Platte: A boost for wetlands

Continued from Page 1

Platte will be high enough that a "pulse flow" of lake water will achieve those goals.

"We're trying to make our decision on biological benefit," she said.

Randy Stinette of Inland, a farmer and former member of the Nebraska Game and Parks Commission, warned Whitmore to be sensitive to public reaction.

Stinette said Nebraskans will react with "disgust, outrage and consternation" if water from a declining lake is flushed out of the reservoir.

"It is not going to be politically acceptable," he said. "It's highly unlikely to be successful. It is not a minor consideration."

Lake McConaughy, a reservoir on the North Platte River that provides irrigation water to farmers in south-central Nebraska, fell to its lowest level in history last summer. The spring peak this year at the popular fishing and boating site was the lowest on record.

The lake is expected to end this summer's irrigation season at a level similar to or slightly lower than last year, according to Central Nebraska Public Power and Irrigation District forecasts.

Whitmore said timing is right for a pulse flow. Habitat conditions justify using the water to scour unwanted vegetation from the riverbed, she said. Whitmore said early plans

"It is not going to be politically acceptable. It's highly unlikely to be successful."

Randy Stinette, farmer and former member of the Nebraska Game and Parks Commission

call for releasing up to 50,000 acre-feet of water from McConaughy over a two-week period to get a three- to five-day pulse in the central Platte. The federal agency expects to have more than 100,000 acre-feet of water in its McConaughy account next spring.

Reservoir managers would release the water in stages and store it in Johnson Lake near Lexington. Then it would be flushed into the Platte from one of Central's hydroelectric plants.

Tim Anderson of Holdrege, the advisory council chairman and a spokesman for Central, said the federal agency's pulse flow in 2002 vanished into the riverbed before reaching Grand Island.

"They'll have to be lucky," Anderson said. "If they can get a day when there's pretty good flows in the river and they get a rush of water going down as the ice is coming out, the ice will get around a plant and jerk it out. But it's all luck."

Letters to the Editor

If you don't like the rules . . . change them

At this month's Papio-Missouri River Natural Resources District (NRD) meetings, the directors voted to change their policies. First, the Board voted to amend one of their policies to include a statement that the only rules the NRD needs to follow are the rules they establish.

Next, the Board voted to change a policy by adding a section stating the NRD can hold "emergency meetings" without notifying the public. And finally, the Board added a provision to its Policy Manual stipulating that the NRD no longer requires competitive bids on cost-sharing projects. A cost-sharing project would include their proposed "reservoir project," which is estimated to cost in excess of \$186 million.

Wow, apparently the NRD (which is funded by our

tax dollars) believes that their annual spending of \$31.8 million can be decided behind closed doors without public knowledge and without competitive bidding. According to my NRD representative, Director Richard Tesar, not having these policy changes would "tie the General Manager's hands." When asked to explain his statements Director Tesar said "I don't care to reply to that."

How would open meetings and competitive bidding "tie the hands" of a public entity?

Who is Director Tesar elected to serve - the General Manager or the General Public?

I urge all taxpayers to contact their local NRD representative and remind them that they were elected to serve the general public, NOT the General Manager!

Shawn Melotz, Bennington

Cattlemen oppose plan to move water

6-7-85
BY DAVID HENDER
WORLD-HERALD STAFF WRITER

The Nebraska Cattlemen group is "vehemently opposed" to a proposal to drill wells in the Sand Hills to transfer water to Lake McConaughy and the North Platte and Republican Rivers.

Five years of drought have affected all areas of Nebraska. Moving water from one basin to another is a temporary fix that may have long-term, unknown consequences, said the statewide beef industry organization's board of directors.

"This proposal doesn't fix the

problem, it moves it. This proposal would set a bad precedent anytime, anywhere," said Craig Utter, an Ainsworth rancher and the chairman of the Nebraska Cattlemen's Natural Resources and Environment Committee.

WaterClaim, a group of about 100 irrigators and related businesses in southwestern Nebraska, has proposed a \$265 million project in which 550 wells in Garden County would transfer 450,000 acre-feet of water annually.

Nearly 130 miles of pipeline and canals would divert the wa-

ter, about two-thirds of it into the North Platte above McConaughy and the rest to the Republican River basin. The plan calls for the federal government and beneficiaries to split the cost.

Steve Smith of Imperial, Neb., WaterClaim's founder and director, said Monday that opponents have not had enough time to look at the proposal in detail.

"I believe that it is possible for us to move water from basin to another and have positive benefits for everyone involved," Smith said. "If given an opportunity, we can make a difference."