

# MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: June 6, 2003

FROM: Steve Oltmans, General Manager

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A. **INFORMATION/EDUCATION REPORT:** A copy of the I&E Report detailing Information and Education activities of the District for the month of May, 2003, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS:**

1. Christy Jacobsen, Education/Volunteer Specialist, had a baby girl on May 27<sup>th</sup> at 8:15 a.m. Hanna Marie Jacobsen was 21 inches and weighed 8 lbs 6 oz. Both Christy and Hanna are at home and doing well. **CONGRATULATIONS!!!!!!**
2. Paul Woodward, Water Resources Engineer, attended the Association of State Flood Plain Managers Conference in St. Louis, MO., May 11-16, 2003. A memo detailing the highlights of the conference is attached for your review.
3. Attached is a letter from Steve Chick, NRCS State Conservationist, thanking the GM for the District's support of NRCS during the Spring Legislative Trip to Washington DC. Mr. Chick notes, "We have much to celebrate for the commitment to conservation in the 2002 Farm Bill. It is truly a remarkable level of achievement for conservation at especially such a time of great competition for Federal funds. That commitment was achieved because they heard the united voices of landowner, conservation districts and the public officials, like you, from all across this country."
4. A letter from Shannon Lee, Executive Director of the Nebraska Chapter of the Cystic Fibrosis Foundation to Park Superintendent Jerry Herbster thanking the District for hosting the 2003 Great Strides Walk to cure cystic fibrosis at Chalco Hills Rec Area on Saturday, May 10<sup>th</sup> is attached for your information.

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, 2003. Please review this report and contact me if you have any questions.

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL:** Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of May 12, 2003. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. **NEWS CLIPS:**

- May 7, 2003, Omaha World Herald Article – Nebraska seeds role in N.D. suite on river flows
- May 8, 2003, Omaha World Herald Article – Earth Day brings music, history to Elmwood Park
- May 9, 2003, Papillion Times Article – Walk in the park – Planning Commission recommends approval for park plan
- May 10, 2003, Kearney Hub Article – River agreement approval expected
- May 11, 2003, Omaha World Herald Article – Wildlife officials hoping for increase in CRP land
- May 13, 2003, Omaha World Herald Article – State may intervene in river suit
- May 20, 2003, Omaha World Herald Article – Court OK ends river water suit
- May 23, 2003, Omaha World Herald Editorial, Midlands Voices – Efficient water use crucial to ag sector
- May 28, 2003, Omaha World Herald Editorial, Official negotiations. The best possible outcome for the Republican River lawsuit: compromise and settlement.
- June 1, 2003, Omaha World Herald Article – This rodeo’s full of spokes, not spurs
- June 2, 2003, Omaha World Herald Editorial, Midlands Voices – Nebraska could be harmed by changing Missouri River flows
- June 3, 2003, Omaha World Herald Article – Power player joins state water fight
- June 3, 2003, Omaha World Herald Article – Developments on riverfront dismay some
- June 4, 2003, Omaha World Herald Editorial Cartoon re Back to the River
- June 5, 2003, Omaha World Herald Editorial – Rethink riverfront – Bob Kerrey and Hal Daub are right to criticize unwise suggested changes of plan.

## **May 2003**

### **Information & Education Report**

#### **Information**

- Published spring 2003 SPECTRUM
- Continued work on Back to the River Slide Program
- Co Sponsored Earth Day Omaha celebration
- Worked on I&E budget for FY 2004
- Participated in NE Envirothon Competition held in Niobrara
- Began working on committee to update “Nebraska’s Natural Resources Districts” brochure
- Gave Speaker’s Bureau presentation to West Omaha Seroma Club
- Began work on article for Metro Omaha Builder’s Assn publication on Newport Landing and NRD Involvement.
- Staffed booth at Omaha Health and Fitness Day at Heartland of America Park

#### **Education**

- Attended LEP planning meetings
- Held Chalco Hills Spring Programs (9 school groups/ 450 students)
- Held Water Works 2003 at Schramm Aquarium (1800 students attended)
- Presented surface water program to all 3<sup>rd</sup> graders at St. Wenceslaus
- Organized and managed 105 volunteer hours
- Scheduled Visitor’s Center Hosts for Summer 2003
- Attended safety training on heart defibrillator
- Presented Surface Water Program to 4<sup>th</sup> graders at Miller Park Academy
- Organized Going Away Luncheon for Spring Interns
- Presented Bird Program to Karen Western Kindergarteners

**nor**

**To:** Marlin Petermann and File 534  
**From:** Paul Woodward, Water Resources Engineer  
**Date:** May 19, 2003  
**Re:** 2003 ASFPM Annual Conference in St. Louis, MO

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I attended the Association of State Flood Plain Managers (ASFPM) conference in St. Louis, MO from May 11 through May 16, 2003. I participated in training workshops, attended presentations on a variety of subjects, and went on a tour of flood control and mitigation projects in the St. Louis Area following the 1993 floods. The following are highlights:

- I attended gatherings on Sunday, Tuesday, and Thursday evenings to meet with other floodplain managers and old acquaintances.
- I attended the Mapping and Engineering Subcommittee meeting on Monday and became involved in discussions concerning criteria for prioritizing flood map projects as well as building the capabilities of state, regional, and local agencies to implement map modernization projects. I also attended the Flood Plain Regulations Subcommittee in the afternoon and learned about proposed revisions to CFR 60.3 and some legislative updates.
- I attended the General ASFPM membership meeting and learned of the Association's concerns for many national issues including: the proposed Department of Homeland Security including FEMA and the NFIP; the Certified Floodplain Managers Program (CFM); multi-year funding proposed for map modernization, and Flood Mitigation.
- All attendants from Nebraska meet Tuesday morning to discuss the possibility of a state chapter addressing floodplain and stormwater management.
- From Tuesday through Thursday, I attended many presentations and speakers on topics and programs including International Flood Plain Management, Map Modernization (digital flood mapping), the CTP program, map revisions, and programs offered by other federal agencies including NRCS and the Corps.
- I was also able to participate in a field trip of the Mississippi River upstream of St. Louis including its confluence with the Missouri and Illinois Rivers and effects of the 1993 flood.

FPM items that need to be addressed in the District include: participation in the CTP program and map modernization; the need for flood and all-hazard mitigation plans; community involvement in CRS; and documentation of map revisions and models. I enjoyed the conference and learned a lot, but I still see the need to continue to develop programs and projects concerning non-structural flood control.



Nebraska State Office  
Federal Building, Room 152  
100 Centennial Mall North  
Lincoln, NE 68508-3866

<http://www.ne.nrcs.usda.gov>

April 25, 2003

Steve Oltmans, General Manager  
Papio-Missouri River NRD  
8901 South 154<sup>th</sup> St.  
Omaha, NE 68138-3621

Dear Steve:

in the past I have sent each of you a hand written note of thanks for your support of NRCS at the Spring Legislative Trip to Washington, DC. Please do not assume that this typed message means that I somehow had less appreciation for your support this year. Quite to the contrary, I have never felt more appreciative than I did this year.

We have much to celebrate for the commitment to conservation in the 2002 Farm Bill. It is truly a remarkable level of achievement for conservation at especially such a time of great competition for Federal funds. That commitment was achieved because they heard the united voices of landowner, conservation districts and the public officials, like you, from all across this country.

I personally want to thank each one of you for making the trip to Washington, DC, and for the strong support you afforded the Natural Resources Conservation Service and me. We will need that continued support if we are to maintain the funding levels authorized in the Farm Bill.

Thank you very much.

Sincerely:

A handwritten signature in black ink, appearing to read "Stephen K. Chick".

STEPHEN K. CHICK  
State Conservationist

May 22, 2003

Jerry Herbster  
Papio NRD  
8901 S. 154th St.  
Omaha, NE 68138

Dear Jerry:

On behalf of the Great Strides Omaha Committee and the Cystic Fibrosis Foundation Board of Directors, thank you for your support of the 2003 Great Strides Walk to cure cystic fibrosis. We could not have experienced the success that we did without your involvement.

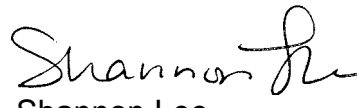
The 2003 Omaha walk exceeded our expectations in many ways. Our sponsorship revenue increased substantially, our walker turnout was double that of the previous year and we received more in kind donations than ever before. This trend was a result of not just a few, but many people coming together to eradicate CF.

Tremendous thanks to our incredible committee and volunteers for the tireless effort they put into this event. Additional thanks to our sponsors and donors and everyone who came out on a less than beautiful Nebraska day to join the fight against cystic fibrosis.

Planning for the 2004 Great Strides Omaha is underway and we are looking for additional people to get involved. If you would like to help, please call the Foundation at 402-330-6164. Thank you again for being a part of this incredibly successful event.

Appreciatively,

  
Barry Zobb  
Chairman

  
Shannon Lee  
Executive Director

29/03/03

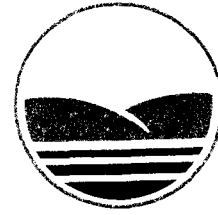
## Report On Purchases Construction Services, Professional Services, Personal Property

May, 2003

Date	Project Name	Item / Task	Company	Cost
5/1/03	Project Maintenance	Screened rock (\$7.80/ton)	Martin Marietta	\$3,370
5/2/03	Safety Program	AED External Defibrillator	American Red Cross	\$3,850
5/12/03	Information/Education	3,200 NRD brochures	NE Association of Resources Districts	\$2,080
5/20/03	Project Maintenance	Chemicals (2-4D, Banvill, Roundup, etc.)	Frontier Cooperative Co.	\$2,940
5/21/03	Project Maintenance	Rental – Rubber tired loader to install rip rap	Nebraska Machinery Co.	\$3,850/mo

Updated: May 12,2003

PAPIO-MISSOURI RIVER  
NATURAL  
RESOURCES  
DISTRICT



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

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

★ = **Top Priority**

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

C = Completed

P = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road (Woodward):**
  - Subordination Paperwork for Happy Hollow (W)
- **Little Papio:** (Cleveland)
- **Big Papio :** (Cleveland)
  - Whitted Creek Easements to Vacanti (W)
- **West Branch** (Cleveland):
  - Land Exchange with Sarpy Co. (96<sup>th</sup> St.) (F)
  - Land Exchange with Gollehon (96<sup>th</sup> St.) (F)
  - ★ Sloderbeck ROW Agreements (W)
- **Western Sarpy Dike** (Sklenar, Cleveland):
  - Closing with Bundy's (potentially modify ROW/offer) (F)
  - Complete easements – three dikes and one drainage ditch (F)
  - Amended drainage ditch easement on Hickey (First National Property) (W)
  - Preview Corps draft scope of services for appraisals(N)
  - ★ Procedure for cabin acquisitions (W)
- **Floodway Purchase Program** (Woodward):
  - Elbow Bend Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
  - Brawner Liability Suit (Platte River Connection) (O)



- **Missouri River Corridor Project** (Becic):
  - ⊛ California Bend – Final settlement with tenant (Wright's) (W)
  - ⊛ Lower Decatur Bend – Appraisal Review, prepare ROW purchase agreement documents (W)
- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
  - Papio Site S-30 – development agreements (F)
  - Silver Creek Site Easements– as needed (W)
  - Release of Site S-7 Easement (W)
  - € Pigeon/Jones Site 3 (Hubbard) easement (N)
- **Papio Watershed Dam Sites:**
  - Dam Site 19 agreement (Petermann) (W)
  - Candlewood Easements (Chris Curzon) (O)
  - Dam Site 13 Agreement (Petermann) (F)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
  - Storm water Utility Legislation (P)
- **Rural Water Projects:** (Sklenar)
  - Dakota County Rural Water – South Sioux City sale agreement (F)
  - € Water Purchase Agreement for DCRW Country Estates Mobile Home Park (N)
- **Other:**

# Nebraska seeks role in N.D. suit on river flows'

W-H 5-7-03

LINCOLN (AP) — Nebraska has asked to intervene in a lawsuit filed by the state of North Dakota over water flows on the Missouri River.

North Dakota earlier sued the U.S. Army Corps of Engineers, alleging that the agency's summer management plans for the Missouri River will cause water pollution in North Dakota's Lake Sakakawea.

Nebraska Attorney General Jon Bruning said he asked to intervene in the action to protect the state's interests in water from the river.

North Dakota Attorney General Wayne Stenehjem said the state is attempting to preserve an adequate layer of cold water on the lake bottom that salmon, walleye and other sport fish need to thrive during the warm summer months.

The corps' plans to release water will mean substantial lake drawdowns and cause its water to become warmer, threatening the health of the fishery, Stenehjem said.

North Dakota asked for and received a temporary restraining order that prohibited planned releases from Lake Sakakawea. The restraining order went beyond North Dakota's

borders, however, to also restrict releases from Lake Oahe in South Dakota.

"The effect of the restraining order could have serious negative impacts for Nebraska's interests along the Missouri River," Bruning said.

South Dakota Gov. Mike Rounds and state Attorney General Larry Long also filed Tuesday to intervene in the lawsuit.

# Earth Day brings music, history to Elmwood Park

## Earth Day Omaha

W-H  
5-8-03

**What:** 23rd annual celebration. Environmental education. Tree give-away. Tied to 200th anniversary of the Lewis and Clark Expedition.

**When:** Noon to 8:30 p.m. Saturday, with continuous entertainment on two stages.

**Where:** Elmwood Park, 808 S. 60th St.

**Cost:** Free admission, food prices vary

**Activities:** Living history Lewis-and-Clark camp site. Lewis and Clark shows, noon to 3 p.m. Kite-flying demonstration, 12:30 p.m. Children's bike race, 1:30 p.m. Native American dancers, 3:45 p.m. Distribution of 2,000 Colorado Blue Spruce trees, noon to 6 p.m.

**Who:** Hosted by the Earth Day Omaha Coalition.



Country star Kim Richey is the featured performer.

BY JANE PALMER  
WORLD-HERALD STAFF WRITER

Music, fun and storytelling will drive home the idea that the Earth is a special place and worthy of our protection at Earth Day Omaha on Saturday in Elmwood Park.

Kim Richey, a pop-country singer and songwriter, will perform at 7 p.m. She has written the No. 1 hits "Nobody Wins," performed by Radney Foster, and "Believe Me Baby (I Lied)," sung by Trisha Yearwood.

Melissa Gardner and Fred Conley are co-chairmen for the event, which involves nine community organizations. Gardner said the first Earth Day celebrations drew more than 20 million Americans together in 1970 and launched the environmental movement.

"Now it's a worldwide event," Gardner

said. "It's a hopeful event. It's saying, 'Yes, we need to be better, but we can do it.' In this new 21st century, we can be good stewards of the earth. We look to the children, the next generation, to make that happen. You don't have to tell children why we recycle. They get it."

This year's Omaha celebration will focus on the Lewis and Clark Expedition 200 years ago. "The first 200 years of calling this land ours have been an era of using natural resources as if there were no tomorrow, and that is just not the case," Gardner said.

Earth Day, she said, will provide education, fun history, American Indian dancers, storytellers, Lewis and Clark re-enactors and representatives of Indian tribes.

The celebration will have two stages to provide continuous entertainment.

# Walk in the park

## Planning Commission recommends approval for parks plan

By Kevin Schuster

vote.

"We want to be able to realize a large portion of the plan," Hansen said.

But that won't happen without land.

Hansen said a priority should be placed on acquiring 50 acres west of Zupan Fields and 30 acres east of Papio Bay Aquatic Center.

The park and recreation system goals are to:

• create a linked park network that connects open spaces, neighborhoods and activity centers and provides convenient access to the city's park and recreational activities.

• distribute active

recreation uses across the geographic area of the city.

• establish the identity of Papillion's park and recreation system as a signature feature for the community.

• maximize the utilization and functionality of the existing park system.

• provide a variety of

active and passive recreational opportunities for all people of Papillion.

• provide park and recreational facilities to serve future neighborhoods.

• reinforce cooperation between the Papillion-La Vista School District and the Parks and Recreation

Department.

The plan features \$46.6 million worth of 20-year projects. If tax dollars are used for the plan, Hansen said, it would require voter approval.

As for immediate park needs, Public Works Director Marty Leming would like to see road improvements at Zupan and Additional softball fields.

"They may be the only two things we can afford in the next five years," he said.

Leming said he would like to obtain lights for the three ball fields near Papio Bay. He would also like to rehabilitate Halleck Park's pond in the near future.

The plan recommends \$16 million in city general obligation bonds, \$9.5 million in private contributions, \$6.2 million in private foundations, \$5.8 million in park benefit fees, \$4.3 million in transportation enhancements, \$2.8 million in developers/Sanitary and Improvement Districts, \$1.1 million in tax increment

financing, \$820,000 in surface transportation and \$130,000 from the Natural Resources District.

In other action, the commission approved recommendation for:

• a special use permit to allow an amphitheater, including a stage and concession stands, near Nebraska Highway 370 and 108th Street. Ken Molzer of the Papillion Area Concert Band is the applicant for the 17-acre project.

• Edgewater on the parks final plat. The 35-acre subdivision on the northeast corner of 96th Street and Schram Road will feature 102 homes in the \$275,000-\$300,000 price range.

• Summit Ridge's final plat. The 77-acre subdivision on the southeast corner of 96th Street and Schram Road will feature 242 homes in the \$170,000 price range.

• Grandview's final plat. The 85-acre subdivision on the southwest corner of 96th Street and Schram Road will feature 229 homes in the \$200,000-\$280,000 price range.

Kevin Schuster@papilliontimes.com  
The Papillion Planning Commission recommended approval of the plan at last Wednesday's meeting. The plan, outlined by Omaha planner Marty Shukert, is slated for a May 20 Papillion City Council

# River agreement approval expected

BY GINGER JENSEN

THE KEARNEY HUB

5-10-03

ALMA, Neb. — The U.S. Supreme Court is expected to approve the out-of-court agreement reached in the Republican River lawsuit by May 16, according to one of the attorneys who worked on the settlement.

Don Blankenau of Lincoln told the Lower Republican Natural Resources District Board of Directors Thursday in Alma that once the court approves, "compliance becomes federal law."

## **The out-of-court settlement will regulate water use in the Republican River basin in Nebraska.**

Most of Thursday's board meeting centered on compliance issues. The settlement includes a moratorium on new groundwater wells in almost all of the Republican River Basin in Nebraska. Public hearings will be held to review those issues.

Nebraska Department of Nat-

ural Resources Director Roger Patterson said Thursday, "We will need to manage both groundwater and surface water use to be in compliance with the settlement."

Officials in Nebraska, Kansas and Colorado are developing a computer model to show the Republican River's historic resources and what current development will mean to those resources in the future.

Patterson said that if the drought continues, it's possible that Republican River water users in Nebraska will have to reduce consumption by 15 percent to stay in compliance with the settlement.

# Wildlife officials hoping for increase in CRP land

5-11-03

By LARRY PORTER  
WORLD-HERALD BUREAU

LINCOLN — Wildlife biologists are hoping that more than 200,000 acres in Nebraska will be enrolled in the Conservation Reserve Program before the general sign-up period ends May 30.

"If 240,000 acres were enrolled during this sign-up period," biologist Bill Baxter said, "it would bring us back up to 1.4 million acres that we originally had enrolled in 1985, the first year of the program. We've lost about 300,000 acres since then."

The current sign-up period, which began May 5, is the first one offered by the U.S. Department of Agriculture since 2000. Agriculture Secretary Ann Veneman indicated there will be one more sign-up period before the existing farm bill ends in 2007.

Baxter, agriculture programs manager for the Nebraska Game and Parks Commission, said 44,000 acres in Nebraska will come out of CRP this year.

"The 10-year period has expired for those acres, including some that were to have expired last year but were extended a year," Baxter said.

The federal program provides an average annual payment of between \$50 and \$60 an acre to Nebraska landowners. Payments range as high as \$80 to \$90 in the east, which has more fertile soil, and are lower in the arid west, Baxter said.

CRP was designed to control soil erosion, improve water quality and enhance wildlife habitats. It has been hailed as a program that provides huge benefits for pheasants, but Baxter said all wildlife species are helped.

"It's much, much more than just a pheasant program," Baxter said. "It benefits wildlife, period — all ground-nesting birds, whether they be songbirds, pheasants, quail or doves — turkey, deer, grouse, everything."

About 2.8 million acres nationally will be accepted into the program during the May sign-up period. About 32 million acres currently are enrolled in CRP, of which 1.1 million acres are in Nebraska.

Land that is accepted for enrollment must meet minimum standards. All applications will be ranked on the basis of a national environment benefits index in which these factors will be considered: wildlife habitat benefits, water quality and on-farm

benefits that likely will endure beyond the contract period and air quality benefits from reduced wind erosion.

"It's possible for landowners to enhance their scores," Baxter said. "They should contact their Farm Services Agency office or their Game and Parks Commission regional office to learn ways to maximize their scores."

# State may intervene in river suit

■ Nebraska weighs joining barge users and operators that seek to protect Missouri flows.

5-13-03

LINCOLN (AP)—Nebraska is considering whether to intervene in a lawsuit filed by five companies over the flow of water on the Missouri River.

The companies, which provide or use barge service, want to force the U.S. Army Corps of Engineers to keep enough water flowing in the Missouri's shipping channel, which extends from Sioux City, Iowa, to St. Louis.

Assistant Attorney General

Dave Cookson said a decision to intervene in the lawsuit could come as soon as next week.

Nebraska Attorney General Jon Bruning has said the state needs to protect its interests in the river, which include maintaining adequate water for power plants, barge traffic, recreation, wildlife, irrigation and drinking.

The corps traditionally has stored water in upstream reservoirs and released it in the summer to maintain sufficient water levels for barge traffic.

But a lingering drought in the upper Great Plains has made lawsuits over Missouri River management a spring ritual.

The lawsuit, filed last month in U.S. District Court in Omaha, is one of nine pending that will probably determine the long-term operations of the Missouri River.

## Pollution lawsuit

Nebraska has asked to intervene in another suit, this one filed by the State of North Dakota, which alleges that management plans for the Missouri River will cause water pollution in North Dakota's Lake Sakakawea.

It seeks to "help ensure that the Missouri River is managed in a way that serves their interests in flood control, navigation and shipping . . . power and water supply, agriculture and the environment."

Other defendants in the lawsuit include the U.S. Fish and Wildlife Service, Interior Secretary Gale Norton and the states of South Dakota, North Dakota and Montana.

According to the lawsuit, low

water flows in the Missouri in 2002 and 2003 caused interruptions in barge traffic on the Mississippi River. The Missouri provides much of the water in the Mississippi from St. Louis to Cairo, Ill.

"As a result," the lawsuit says, "shippers, barge and tow companies and farmers suffered millions of dollars of damages."

Filing the lawsuit were: Blaske Marine Inc. of Alton, Ill.; ConocoPhillips Co. of Houston; Ergon Asphalt & Emulsions Inc. of Jackson, Miss.; Magnolia Marine Transport Co. of Jackson, Miss.; and Midwest Terminal Warehouse Co. Inc. of Kansas City, Mo.

They were joined by four non-profit groups: the Coalition to Protect the Missouri River, the Midwest Area River Coalition, the Mo-Ark Association and the Missouri River Keepers.

# Court OK ends river water suit

Journal Star 5-20-03

Approval means end to long-running fight for Republican flow.

BY KEVIN O'HANLON  
The Associated Press

The U.S. Supreme Court on Monday approved the settlement of a long-running dispute between Nebraska and Kansas over the use of water from the Republican River.

The states announced the settlement in December, but it was subject to review by the court.

Nebraska will pay no monetary damages as a result of the settlement.

Kansas had once estimated that Nebraska might have to pay as much as \$100 million in damages.

Nebraska also will not have to allocate more water to Kansas, but it will have to be careful about adding any new irrigation wells that could deplete the river.

Under the agreement, Nebraska will be able to maintain — for the most part — its existing use of water from the river. Deciding how much water each state gets will now be figured using a five-year average, except in drought years or years when flooding occurs.

In drought years, a two- or three-year average will be used.

The Republican River flows out of northeast Colorado across the very northwest tip of Kansas, then meanders across southwestern Nebraska before re-entering Kansas just south of Superior.

Kansas filed its lawsuit in 1998, accusing Nebraska of allowing irrigators to divert more than their legal share of the river's water.

Kansas argued that Nebraska breached a compact by allowing the proliferation and use of thousands of wells connected to the river and its tributaries along the state's southern border.

The 1943 compact agreement spelled out distribution of the Republican River's waters, with Nebraska getting 49 percent, Kansas 40 percent and Colorado 11 percent.

Nebraska argued that groundwater use is not regulated by the compact, which also was signed by Colorado, because it was signed before deep-well irrigation was used in the river basin.

Special Master Vincent McKusick, who was appointed by the high court to hear the case, said earlier that he would not count water pumped from wells before 1994 in

## Republican River case

**1943:** Nebraska, Kansas and Colorado adopt the Republican River Compact, which allocates 49 percent of Republican River water to Nebraska, 40 percent to Kansas and 11 percent to Colorado.

**May 1998:** Kansas files lawsuits against Nebraska and Colorado, saying those states are using more than their share of water in the Republican River basin. Kansas officials say Nebraska could owe as much as \$100 million.

**January 1999:** U.S. Supreme Court accepts the case.

**January 2000:** The special master assigned to the case rules groundwater use should count against a state's share to the extent it depletes the Republican River flow.

**May 2001:** The special master rules that water used before 1994 will not be considered in the case.

**December 2002:** Nebraska, Kansas and Colorado reach a settlement. Nebraska will pay no damages to Kansas, either in money or water, and for the most part will be able to maintain its existing water use. But construction of new wells has been suspended in much of the basin, meaning Nebraska would have to reduce its water use in dry years.

**Monday:** The U.S. Supreme Court approves the settlement.

deciding the case because the three states had already worked out an agreement regarding that water.

Nebraska argued that Kansas has received its full allocation of water from the Republican River each year with the exception of 1992, when there was a drought.

Last year, the Lower Republican Natural Resources District prohibited farmers from drilling any large wells for at least three years.

Similar moratoriums were implemented earlier in the Upper Republican and Middle Republican NRDs.

Those moratoriums could be modified in the future if it can be demonstrated that new wells would not deplete flows in the river.

Nebraska spent more than \$8 million defending the lawsuit.

"Nebraska is pleased this litigation has been brought to a satisfactory conclusion," Gov. Mike Johanns said.



# Efficient water use crucial to ag sector

BY THOMAS D. SPEARS

*The writer is president of the Irrigation Division of Omaha-based Valmont Industries, a manufacturer of mechanized irrigation equipment.*

The Department of Interior has just released a study saying political and legal conflicts over the water supply are likely in seven of the West's biggest cities by 2025, including Las Vegas and Reno, Nev.; Albuquerque, N.M.; Denver; Houston; Salt Lake City; and Flagstaff, Ariz. Two major waterways, the Rio Grande and the Colorado River, also were named "highly likely" sources of conflict.

Around the world, severe shortages already exist, such as in South Asia and the Middle East. In some places, outright conflict has already occurred: In 2000 seven people died in Bolivia during a revolt arising from the doubling of the water rates.

Two years ago in Oregon, federal agents had to step in when angry farmers along the Klamath River pried open irrigation gates that had been closed to help endangered salmon.

Others are dying not from revolt but from water-borne disease — 7 million annually, according to the World Water Council, an international think tank of scientists, governmental and nongovernmental organizations, and one of the principal organizers of a World Water Forum held in Japan in March. The Council also said

■ An estimated 1.2 billion of the world's 6 billion people do not have access to safe water.

■ About 3 billion people have inadequate sanitation.

■ People living in the 40 most famished countries survive on around 2 gallons of water a day, compared to the 13-gallon minimum daily requirement the United Nations says is needed.

■ A projected 2.7 billion people will face water shortages by 2025, with the average supply of water per person to drop by one-third.

Water problems threaten many more lives than weapons of mass destruction, says the United Nations, which has declared 2003 "The Year of Fresh Water."

Locally, we are all aware of issues related to the drought. The World-Herald has written about the dwindling water levels at Lake McConaughy, for example.

All of this serves to demonstrate that water issues are critical, and they are everywhere. In a paper I presented at

the World Water Forum, I said agriculture must play a key role in solving the problem of water scarcity because the farm sector uses 65 percent of the Earth's supply of fresh water.

Those who call for reduced irrigation are simply ignoring the very real need we have to increase food production. It is a need around the world as nations struggle to produce enough to feed their citizens. In Iraq, for example, farmers are able to grow only one-third of the country's consumption.

Since there is very little arable land left to cultivate, we desperately need more crop per drop. With the aid of technology, this is actually possible, but not while farmers continue to rely on a 6,000-year-old "technology" — irrigating crops through gravity flow, or in laymen's terms, flooding.

This method not only is a waste of water; it's inefficient. Some plants on a flood-irrigated field receive far more water than they require; others, far less. In Nebraska, the state where mechanized irrigation was invented, 37 percent of the irrigated acres are still flooded.

The alternatives, center-pivot or drip systems, are 95 percent water efficient when effectively managed. These technologies can result in millions of gallons of fresh water being saved each year by farmers around the Earth.

However, switching from flood to high-efficiency irrigation costs money, which is also in scarce supply among many in agriculture. In many countries, incentives are now being offered to encourage farmers to switch to more efficient irrigation methods.

Odd as it may sound given the recent rains in the region, forecasters on balance still expect another dry spring and summer. If we are serious about solving the scarcity of fresh water, then the agriculture industry, as the No. 1 user of fresh water around the Earth, needs to face up to the issue. The demand for food production from irrigated agriculture is only going to increase.

\* By extending incentives and encouraging farmers to switch to more effective and efficient irrigation technologies, our world can take an important step forward in the wise management of our precious water resources.

28-03

# Official negotiations

**W**hen the U.S. Supreme Court approved a water settlement between Nebraska and Kansas recently, that action extricated both states

from an unpleasant and expensive disagreement. Thanks are due in large part to the willingness of Gov. Mike Johanns, former Attorney General Don Stenberg and other top state officials to talk rather than squawk.

The Republican River rises in Colorado, flows through Nebraska and winds up in Kansas. As with most rivers in the area, its water is made to work Irrigators and livestock operations, among others, depend on it. How much water each state is entitled to use was spelled out in a 1943 compact.

The compact predated modern knowledge about the interrelationship between groundwater and surface water. But the groundwater wells in the area of the river almost certainly had an effect on the amount of water remaining in the river.

Kansas authorities accused Nebraska, with its uncontrolled drilling of irrigation wells, of taking too much water from the system in violation of the 1943 compact. Kansas sued in 1998, threatening damages of \$100 million or more.

These water suits tend to take

**The best possible outcome for the Republican River lawsuit: compromise and settlement.**

many years to resolve. For instance, Nebraska sued Wyoming over water taken from the Platte River system; it took 15 years and 24.7 million Nebraska dollars to settle that mat-

ter in November 2001.

So it was gratifying indeed when Johanns, Natural Resources Director Roger Patterson and other officials hunkered down for serious talks with Kansas in 2001. The resulting water agreement makes neither side totally happy, but it does avoid major monetary damages and large amounts of water compensation.

Significantly, the settlement pertains only to future water use. The state must see to it that nearly 5,000 meters are installed to monitor water usage. Nebraska agreed to restrictions during dry years.

Even in the relatively short time the suit was active, it cost Nebraska taxpayers more than \$8 million; Kansas taxpayers shelled out at least that much.

Even irrigators, who had feared a settlement or court decision severely affecting their ability to do business, agreed that the provisions of the agreement were about as good as Nebraska could get.

Johanns, Stenberg, Patterson and others involved in reaching this compromise can be proud.

# This rodeo's full of spokes, not spurs

■ CycleFest returns, continuing its message of bike safety and fun.

6-1-03  
BY LINDSEY BAKER

WORLD-HERALD STAFF WRITER

Under the sunshine at a parking lot nestled in the Chalco Hills Recreation Area on Saturday, Omaha Police Officer Mark Hanner raised his hand to the sky.

"This is right," he said to a girl sitting on her bicycle. Hanner held his arm straight out. "This is left."

Hanner's directions on the proper way to signal turns when biking came during a bike rodeo that was part of this year's CycleFest, a free event put on by the National Safety Council's Greater Omaha Chapter.

An estimated 1,400 to 1,600 riders on bikes, trikes or in strollers wheeled through for the event, estimated Kurt Goetzing, council vice president.

"This was huge," he said. "It was a madhouse for a while."

The first CycleFest, held three years ago, had about 800 attendees, he said. That number went down last year because of inclement weather.

CycleFest, Goetzing said, is intended to provide families and children with all the necessary tips and checks for safe biking.

"There are risks involved in anything," he said. "With safe riding, you can lower your risks and actually get out on your bike and enjoy it."

Bikers attending CycleFest were required to check in at both a helmet station and a bike-check station, both sponsored by Omaha's Bike Rack.

All riders were required to wear helmets, and Goetzing said every attendee received a free helmet, valued at about \$20.



RUDY SMITH/THE WORLD-HERALD

Kyle Bierman, 10, right, leads a pack of bike riders at CycleFest Saturday at Chalco Hills Recreation Area.

Bike checks and lunches also were free.

After visiting the stations, kids could hop on their bikes and ride the trails to the bike rodeo, where Hanner and other area police officers were waiting to help them through an obstacle course designed to simulate narrow and curving roads.

Goetzing said 600 bikers took part in the rodeo.

Nelson Cunningham of Omaha brought his children to CycleFest "just to make sure their bikes are working right."

"These guys probably ride every day," he said of his son Robert, 6, and daughter Libby, 10. "I ride quite a bit less."

Libby and Robert agreed that biking was fun, though they've both had a few spills in their time.

"I have a scar on my knee," Libby said. But she said she was

wearing her helmet at the time of the fall, and her father nodded.

"They always have to wear their helmets," he said. "That's the rule."

# Nebraska could be harmed by changing Missouri River flows

BY JON BRUNING

*The writer is the attorney general of Nebraska.*

Regarding a May 17 World-Herald editorial on the possibility of Nebraska's intervening in a federal lawsuit over water levels in the Missouri River, first of all I appreciate the newspaper's interest in the Missouri River disputes. I want to assure Nebraskans that this office is acting entirely from a "position of scientific knowledge."

That position is the result of thoughtful, planned consulting by a number of parties. I want to clarify that the interests of Nebraska go far beyond just an environment-vs.-navigation debate.

In any change in the operation of the Missouri River, Nebraska has the most to gain — and as a result the most to lose. That's why I am committed to protecting Nebraska's interests in the ongoing litigation.

The editorial effectively outlined the ongoing dispute between the environmental and navigation interests. My office has reviewed the studies referred to and several additional studies regarding the other benefits to Nebraska from operations of the Missouri River system. Those benefits:

■ Water supply (thermal cooling for Nebraska's power plants and municipal water supplies).

■ Cost-effective hydro-power for Nebraska's public power consumers.

■ Recreation (marinas, boating and fishing).

What has been consistently left out of the debate is the fact that these other benefits far outweigh either the environmental benefits or navigation benefits.

A report issued by the National Academy of Sciences last year estimated that the economic benefits to Nebraska from water supply, hydro-power and recreation total

more than \$420 million each year. This total includes benefits derived from water for thermal power plants (such as Cooper Nuclear and Fort Calhoun), municipalities like Omaha, and hydroelectric power for Nebraska's public power districts and recreation.

These benefits, plus additional benefits from the new development in Omaha, depend on maintaining sufficient river flows.

Even with so much at stake, Nebraska has been at the forefront of advocating a balanced approach to river operations. This includes the compromise proposed by the Missouri River Basin Association, a proposal that has been opposed by the navigation industry.

That compromise includes testing a spring rise component and a lower summer flow, but not so low as to significantly damage

Nebraska's economy.

Last spring, South Dakota started a series of lawsuits by several states and now private interest groups, with the lawsuits designed to protect each party's interests. Each one of these cases is trying to accomplish the same result: change the way the U.S. Army Corps of Engineers operates the Missouri River system. Most of the lawsuits filed so far ask the courts to reduce river flows passing through Nebraska.

This undertaking is about protecting Nebraska's interests. It is about irrigation, power, economic stability and protecting our state resources. Ultimately, any significant reduction in river flows will result in higher consumer costs, lost economic benefits and further strain on Nebraska's already troubled economy.

I think it is well worth the State of Nebraska's time and money to protect our interests, and I believe it is my obligation to do so.

**Any significant reduction in river flows will result in further strain on Nebraska's already troubled economy.**

# Power player joins state water fight

■ Nebraska's biggest surface water supplier threatens legal action to halt pumping draining Lake McConaughy.

BY PAUL HAMMEL <sup>6-3-03</sup>

WORLD-HERALD STAFF WRITER

A major water fight in Nebraska took on a major player Monday.

The governing board of the state's largest supplier of surface water, the Central Nebraska Public Power and Irrigation District, voted unanimously to take legal action if necessary to halt groundwater withdrawals that are helping to dry up Lake McConaughy.

The board action comes four months after a Bridgeport, Neb., ranch — the Spear T — filed a lawsuit against 18 neighbors, claiming that their unrestricted pumping of groundwater had dried up Pumpkin Creek, rendering useless the ranch's legal right to irrigate with surface water.

The lawsuit has wide-ranging implications for irrigators in the state and could prompt the shutdown of hundreds of wells to restore flows in nearby streams.

Tim Anderson, a spokesman for Central, a Holdrege-based district, said the governing board felt it no longer could sit on the sidelines because Central, which distributes water for irrigation from drought-depleted Lake McConaughy, has the most to lose or gain.

Central, Anderson said, estimates that yearly groundwater pumping in the North Platte Valley consumes enough water to cover Lake McConaughy with 3 feet of water. The pumping leaves less surface water for irrigation as well as recreation and hydro-power generation.

"The litigation train has left the station. We feel like we needed to get on," Anderson said. "We've got the biggest dog in the fight."

For decades, authorities have predicted that a major le-

gal battle could erupt between users of groundwater and surface water, which are governed by two separate sets of laws.

In 1996, the Nebraska Legislature passed a law that recognized what scientists had been saying for years — that pumping of groundwater near a river could affect flows in that stream. But the law, say Anderson and other observers, fell far short in saying what should happen if a conflict arose between two users.

Pumpkin Creek, which flows into the North Platte River upstream from Lake McConaughy, now regularly runs dry because of pumping by center-pivot irrigation systems in the narrow valley.

Under Central's resolution, the district would first ask the Nebraska Department of Natural Resources and the Gering-based North Platte Natural Resources District to take action. If that doesn't halt pumping that harms flows in the North Platte River, the Central district would then file a lawsuit.

The North Platte NRD recently passed a moratorium on drilling new wells for irrigation, but Anderson said that action was too little, too late. About 400 new wells were drilled before the moratorium, he said.

Last year, Gov. Mike Johanns set up a water task force to address the water conflict, but it won't draft a solution until December. Then, the Nebraska Legislature would have to take action on what promises to be a high-stakes political battle.

Ann Bleed, deputy director of the State Department of Natural Resources, said she wasn't surprised by Central's action. "Central has indicated for a number of years that they are concerned about pumping along the North Platte River and Pumpkin Creek."

# Developments on riverfront dismay some

■ Key players in the planning disagree with the turn their dream has taken.

By C. DAVID KOTOK  
WORLD-HERALD STAFF WRITER

Former U.S. Sen. Bob Kerrey of Nebraska wonders what became of the dream of bringing the public to the Omaha banks of the Muddy Mo.

"Are we going to go back to the river or turn our back on the river?" said Kerrey, who as a sena-

tor brought millions of federal dollars to the riverfront.

During a recent visit, Kerrey was dismayed by several developments: the prospect of a condo tower in Omaha at the base of the planned pedestrian bridge, a possible casino next to the Omaha convention center and a re-routed riverfront trail.

Key members of Mayor Mike

Fahey's administration said Kerrey is overreacting.

"We are not going to gunk up the riverfront," said Larry Foster, the city's acting parks and recreation director.

These major proposals are on the drawing board for Omaha's riverfront:

■ A high-rise condominium development on a city-owned tract of land between the Gallup University campus and the Nebraska entrance to the pedestrian bridge over the Missouri River.

■ The riverfront trail now takes a detour around Eppley Airfield, instead of following the river as originally proposed, because of security concerns.

■ A proposal by the Venetian, an upscale Las Vegas resort and casino company, to attach a casino to the new Omaha convention center and arena, if Nebraska legalizes casino gambling.

Former Mayor Hal Daub agrees with Kerrey on the trail and the casino, but not on the condominium development.

Kerrey said the gold rush to the river makes it more difficult for the general public "to see the river and be inspired by it."

As Nebraska's senator, Kerrey obtained federal funding for riverfront development, in particular nearly \$19 million for the pedestrian bridge that will open in 2005.

During the late 1990s and 2000, Kerrey, a Democrat, and Daub, a Republican, teamed to push re-development on land that was dominated by a lead refinery, a

See **Riverfront**: Page 2

## MAIN NEWS

OMAHA WORLD-HERALD

# Riverfront: Dissension arises over development

Continued from Page 1  
junk yard and railroad shops.

Kerrey worked for "quiet open public spaces" along the river.

Now, in addition to Rick's Cafe Boatyard in the Lewis & Clark Landing park, the Gallup campus and the planned National Park Service building, the city is seeking proposals for a six-acre lot between the circular entry to the pedestrian bridge and Gallup.

Kerrey and some urban designers worry that the city is giving up important public space at the base of a bridge that promises to become the city's signature image.

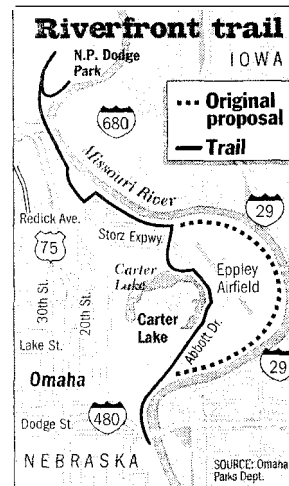
Kerrey, now president of the New School University in New York City, is so concerned that he has offered to head a fundraising drive to create a park on the land.

"We wouldn't do anything to detract from the bridge," said Omaha City Planner James Thele. "We are not going to approve a Taco Bell there."

As many as 50 architects, developers and engineering firms have picked up the city's request for proposals on the property, which is valued at \$1.6 million.

The city seeks proposals by June 25 that will "expand housing opportunities in the riverfront development."

Although not directly stated,



THE WORLD-HERALD

most of the talk is of a high-rise condo tower with shops and restaurants on the first level

Jennifer Rasmussen Mahlendorf, an aide to Fahey, said the city is looking for something "that is the right fit and won't put the bridge in jeopardy."

Successful waterfront developments, Foster said, mix commercial and public spaces

That is happening now at Lewis & Clark Landing, where a private restaurant attracts hundreds of people on some evenings, Foster said. Some of those

people linger in the public riverfront park there, he said, but few of them would go there only to sit on a bench and watch the river.

While Mahlendorf is at odds with her uncle, Kerrey, on the possible condo tower, they are on the same track on the bike path.

With little public debate and no formal announcement, plans to run the path east of Eppley Airfield along the river were scrapped.

The path eventually will link Heartland of America Park in downtown Omaha with Boyer Chute National Wildlife Refuge near Fort Calhoun, Neb.

The city now plans to have the path cross Locust Street and Abbott Drive, bypassing the airport property.

Don Smithey, Eppley's chief executive, said he had a number of problems with putting the trail along the levee east of the airfield, but security was the primary one. Lindbergh Plaza, the semicircular road around the airport, is owned and patrolled by Eppley and can be shut down at any time, Smithey said.

A bike path on top of the levee would be more difficult to control, Smithey said, and would raise legal questions as to whether the airport could close a trail during a high security alert.

Kerrey ridiculed those concerns. If a terrorist wanted to

shoot down a plane with a shoulder-mounted missile, Kerrey said, he would be more likely to stop along Interstate 29 in Iowa than jump on a bicycle and ride out to the levee.

Daub said that before he left the Mayor's Office in 2001, a compromise was close on the trail. The new location west of the airport, he said, "will discourage people from using the trail."

There is confusion about who nixed keeping the path on the riverbank. City officials said airport officials took a no-way, no-how approach.

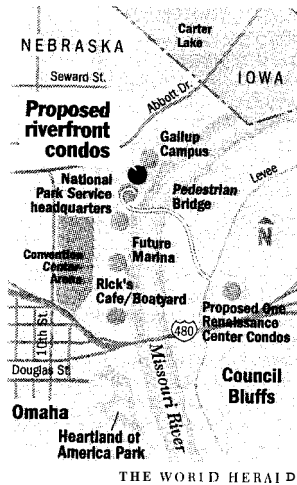
Howard Kooper, chairman of the Omaha Airport Authority board, said the board didn't like the idea of the levee trail, but never said no.

"Our understanding was that there were no options," Fahey aide Mahlendorf said.

If there was a misunderstanding, Mahlendorf said, the city would be glad to re-open negotiations on putting the pedestrian-bike path back on the levee.

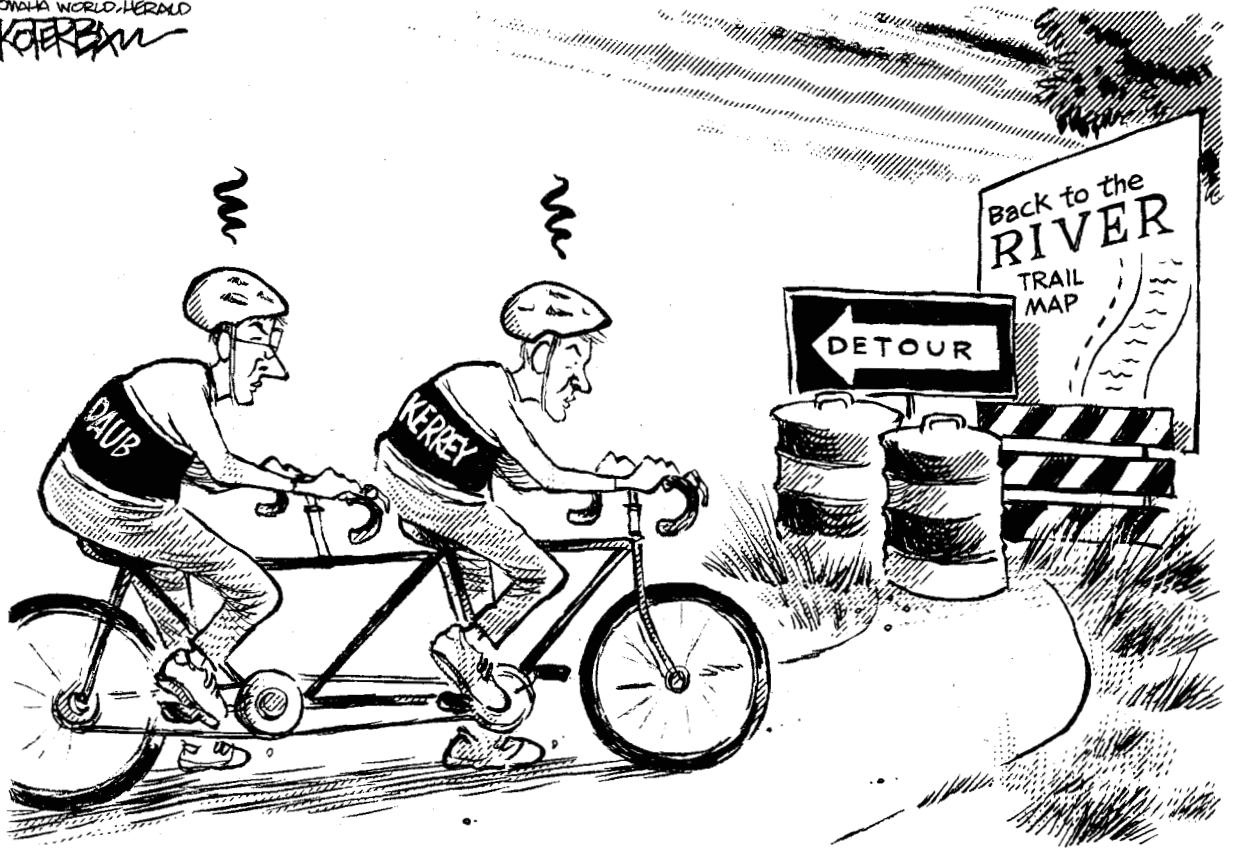
Kerrey also was concerned about the proposal by the Venetian to attach a casino to the new convention center. Such a plan is the opposite of the family atmosphere envisioned along the river, Kerrey said.

The riverfront, Kerrey said, "is our gift to the future."



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6/27/03

# Rethink riverfront

**B**ob Kerrey has raised some significant concerns about the direction of the riverfront development he helped launch during his last years as a U.S.

senator representing Nebraska. Major aspects of the project seem to have taken an unfortunate shift in direction.

Kerrey denounced the notion of tacking a casino onto the new riverfront convention center, saying that such a development would be diametrically opposed to the family atmosphere he had envisioned along the redeveloped riverfront. Hallelujah and amen to that.

He didn't get specific about the crime and other unsavory activities that would accompany a casino, no matter how gaudily it was arrayed.

He did object, however, to rerouting the riverfront hiking and biking trail away from the water, across two busy streets and around the airport. Again, the idea of the trail was to make sure that the river was accessible and open to use by anyone. The detour contemplated by the new plan would detract from the appeal of the trail and would introduce unnecessary traffic hassles and dangers.

Don Smitley, Eppley Airfield's chief executive, said he opposed running the trail along the dike between the airport and the river because of potential security problems.

Kerrey pooh-poohed that argument, suggesting that a terrorist who wanted to shoot down a plane would be more likely to do so from the Iowa side of the river. Former Omaha Mayor Hal Daub, on whose watch the riverfront project got under way, agreed with Kerrey on the casino and the trail, saying that a trail compromise had been on the table when he left office.

Members of the Airport Authority board indicated they had never barred the trail, and city officials suggested that the negotiations might be reopened. Three cheers for that — if a reasonable compromise is possible, one that protects security and still allows the trail to follow its natural course, it would benefit everyone.

A third potential change that Ker-

**Bob Kerrey  
and Hal Daub  
are right  
to criticize  
unwise suggested  
changes of plan.**

rey objected to (but Daub did not) was the city's proposal to locate a high-rise condominium complex on city land right next to the new footbridge across the Missouri

River.

Private residential development would be a definite asset for the riverfront, so that is not our concern with this project. The difficulty *is*, rather, the location. Council Bluffs already has proposed the construction of two condominium towers and apartments near the footbridge. Adding a similar development to the relatively open Omaha side of the signature bridge does not seem like the wisest use of the land.

The footbridge and the nearby spaces should be inviting and accessible. The private residences and the private parking lots and private outdoor spaces that come with them can say to Joe and Jane Public that they are less than welcome there. It certainly could be a psychological barrier, perhaps even presenting physical obstacles to those who would want to see the bridge from every angle, stroll its approaches and enjoy the ambiance.

There must be room in the riverfront project for residential development where it would not be perceived to conflict with a public-oriented high point of the area.

Kerrey, who is now head of the New School University in New York City but who has not abandoned his home state, has offered to head a fund-raising drive to create a public park on the city land.

How can Mayor Mike Fahey refuse such an offer? Kerrey has proved his commitment to the riverfront. He is a fund-raiser extraordinaire. And Kerrey's idea for the area — a public park, a welcoming place for the tourists, residents and others who would stroll across the bridge or walk along the riverfront — would be a wonderful use for the land.

This riverfront development project is important to Omaha and to the entire area. Its emphasis should be on families, and as many of its spaces as feasible should be open to the public. It's time for the city to reorient its thinking along the lines that Kerrey and Daub have outlined.