

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: March 4, 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 February, 2005, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. **Jean Tait**, Purchasing Agent, has been selected as the Senior NCO of the Year for the 710th Medical Squadron for 2004. The citation notes that "Your commitment to excellence and unsurpassed performance has made a significant impact in our unit and the Air Force Reserve." **Congratulations, Jean!!**
2. **Alvin Goeser** has been hired as Intern. He is a student at UNO majoring in geography. His appointment is from March 1, 2005 through June, 2005. He will be assisting with the several activities to include charting high water marks; park activities; tree planting, etc.
3. Thank You's and Miscellaneous Letters:
 - a. The GM has received a letter from Loren Katt, 22750 Lincoln Rd., Gretna, NE. Mr. Katt served as a mentor for the youth hunt this past fall at Vencil's Island. He wanted to thank the District for the opportunity to have the youth hunt at Vencil's Island. He noted that "We harvested a total of 5 deer ... For three of the youth involved it was their first experience in taking a deer with a bow and arrow.... If you ever want some of the kids or me to talk about the program at a board meeting we would be happy to do so."
 - b. As noted in the February, 2005 GM Report, I have resigned my position of a member of the Board of Directors for the National Safety Council, Greater Omaha Chapter. A letter from Kay Ferrell, Present/CEO of the Omaha Safety Council is attached. She states, "Your active role as Chairman of Member Services on the Executive Committee and a member of the Court Services Committee was greatly appreciated." The GM is attempting to manage more time for P-MRNRD responsibilities.
 - c. Attached is a letter from Steven Tonn, Extension Educator, Douglas/Sarpy Counties Cooperative Extension, thanking the GM for serving as master of ceremonies for the "Building for the Future-Erosion and Sediment Control Seminar III" held on February 9, 2005. A copy of the agenda is attached for your information.

- d. Attached is a letter from State Senator Marian Price, Legislative District #26, acknowledging our visit at the NARD Legislative Conference on January 25th. She notes, "Please never hesitate to contact me as the need arises. I greatly value your input on issues before us."
- 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 February, 2005. 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 February 14, 2005. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.
- E. **PAPIO CREEK WATERSHED PARTNERSHIP UPDATE:** Attached are the minutes from the February 10, 2005 PCWP meeting. Items discussed included NPDES permit compliance and stormwater legislation. The next partnership meeting will be held on March 17, 2005 at 10:00 a.m. at the NRC. **Also, a Watershed by Design Meeting is scheduled on March 23, 2005 at 7:00 p.m. at the NRC. I would urge all Directors to attend.**
- F. **REPORT ON NRD FLOOD CONTROL PROJECTS MEETING WITH STATE SENATOR MICK MINES:** On February 18, 2005, the GM, Paul Woodward and Paul Peters met with State Senator Mick Mines to discuss the future of NRD flood control project in Washington County. Others in attendance were Duane Wilcox and Jeff Quist, Washington County Board of Supervisors; Trent Nokia, NARD, Steph Cude, Senator Mine's staff and Lynn Rex, League of Municipalities. A memo regarding the meeting is attached for your review.
- G. **EPA FACT SHEET ON INTERIM RECORD OF DECISION – OMAHA LEAD SUPERFUND SITE:** The EPA issued an Interim Record of Decision for the Omaha Lead Site on December 15, 2004. I have attached the EAP Fact Sheet that describes the remedy that will be implemented to address lead-contaminated soils at thousands of additional homes in eastern Omaha. The remedy is considered interim because it addresses only the more highly-contaminated properties at this time. The approach allows additional studies to be performed prior to selection of a final Record of Decision that will address all remaining properties at the Site. If you have any questions regarding the Fact Sheet, please feel free to contact me.
- H. **P-MRNRD RISK ASSESSMENT:** On October 20-21, 2004, Brenda McGuire, Risk Consultant, Rural Special District Insurance Services, conducted a Risk Assessment on the Papio-Missouri River NRD. I have attached a copy of Ms. McGuire's letter with her recommendations and a copy of our reply. If you have any questions or comments on this issue, please contact me.
- I. **NEWS CLIPS:**
- ❖ February 2, 2005, Omaha World Herald Article – Water law to face tests, experts say.
 - ❖ February 6, 2005, Omaha World Herald Article – Study to help guide water management.

- ❖ February 8, 2005, Omaha World Herald Article – Heineman seeks balanced river plan. The Nebraskan and fellow governors of Missouri basin states agree to encourage conservation measures.
- ❖ February 9, 2005, Omaha World Herald Editorial – Anticipate water crises. Research says a worse drought will soon swoop down on Nebraska, Great Plains.
- ❖ February 9, 2005, Lincoln Journal Star Article – S.D. governor unable to gain agreement for holding water. A meeting of Missouri River state leaders ends with a call on the Corps of Engineers to conserve water whenever possible.
- ❖ February 12, 2005, Lincoln Journal Star Article – Program would pay farmers to go dry. Natural Resources Department wants \$7 million over three years for water incentive payments to landowners to cut back on irrigation.
- ❖ February 14, 2005, Lincoln Journal Star Article – City project will create a trails hub. The network planned as part of the Antelope Valley Project will connect trails in all parts of Lincoln.
- ❖ February 16, 2005, Omaha World Herald Article – County takes a look at its master plan. The first update since 1998 will help map out growth in underdeveloped area.
- ❖ February 16, 2005, Douglas County Gazette Article – Protecting Nebraska's water interests, written by Governor Dave Heineman
- ❖ February 17, 2005, Lincoln Journal Start Article – Bills pit trout against cattle. The rule preventing feeding operations within two miles of a trout stream could be eased.
- ❖ February 17, 2005, Omaha World Herald Article – Drought persists along the Missouri. The Corps of Engineers says below-normal snowpack means river flows will be down again.
- ❖ February 22, 2005, Blair Enterprise Article – More people, more pollution. Development main reason for increase in pollution along Papio watershed.
- ❖ February 22, 2005, Lincoln Journal Star Article – Court to settle water dispute. The DNR says it can regulate all users of water for irrigation and power purposes; others say area NRDs control groundwater.
- ❖ February 23, 2005, Lincoln Journal Star Article – DNR director supports paying farmers to not irrigate land. Patterson says the incentive programs, along with a limit on irrigation, are the best way to meet water requirements.
- ❖ February 25, 2005, Omaha World Herald Article – Wells for three Nebraska cities to be tested. The move comes as concern grows about the safety of the Saunders County aquifer.
- ❖ February 25, 2005, Blair Enterprise Article – Two subdivisions get nod from county board.
- ❖ February 26, 2005, Omaha World Herald Editorial – Wells vs. streams. High court will decide if groundwater must be regulated like surface water by State NRD.
- ❖ February 27, 2005, Omaha World Herald Article – Fight for water rights on tap. Nebraska's top court will decide whether a state agency must regulate groundwater to protect Lake McConaughy.
- ❖ February 28, 2005, Omaha World Herald Editorial – The Nebraska way. Lawmakers right to encourage balanced plan to environmental regulation.
- ❖ March 1, 2005, Blair Pilot Tribune Article – Both sides of LB 552 should be considered, by State Senator Mick Mines.
- ❖ March 1, 2005, Blair Pilot Tribune Article – County residents pack hearing to oppose bill on NRD bonding.
- ❖ March 1, 2005, Omaha World Herald Article – Bellevue council OKs housing, park plans.
- ❖ March 2, 2005, Bellevue Leader Article – Riverfront park takes first steps to reality. City to work with NRD on proposal.

- ❖ March 3, 2005, Lincoln Journal Star Article – Planning Commission OKs creek plan. Note from GM: This is a comprehensive approach before urban development occurs.
- ❖ March 4, 2005, Omaha World Herald Article – Court asked to look deeper on water rights. Nebraska's Supreme Court will decide whether an agency that regulates streams also must manage groundwater.

/pt/SO/GM Reports/2005/March

February 2005

Information & Education Report

Information

- Published SPECTRUM Newsletter
- Finalized redesign and launched Web Site
- Continued work on Earth Day Omaha
- Continued work on State and Regional Envirothon
- Planned and staffed booths at Home and Garden and Boat Sports and Travel Shows
- Finalized copy for Omaha Chamber of Commerce Book
- Had printed copies of NRD's Recreation Areas brochure

Education

- Met with Benson West Elementary (AAS) about Outdoor Arboretum
- Presented programs to Millard South Environmental Studies Class
- Met with Omaha Raptor Team & Prairie Construction concerning moving flight cages
- Presented Enviroscape programs at Fullerton Magnet School
- Presented Endangered Species program to Boy Scout Troup
- Renewed our contract with Easter Nebraska Office on Aging for volunteers
- Attended NRD retirement meeting
- Met with LPS-NRD education specialist to plan for Spring Festivals
- Met with LEP facilitators to plan 2005 workshops
- Worked Boat show booth
- Assisted with Millard South Interview Project
- Met with YMCA to discuss corporate sponsorship opportunities
- Ordered Bird houses from Smurfit-Stone Container (bird houses will be donated)
- Scheduled PLT/WILD/WET/LEP workshops for April
- Continued taking orders for Trees/Seeds
- Finalized Game Scene Investigation Program
- Continued working with Paul Peters on Geocaching Rules and Regulations
- Managed 75 volunteer hours
- Continued working on Water Works 2005
- Revised and Printed Walnut Creek Camping Rules Sheet
- Sent grants for NACEE and WET conferences
- Worked with NGPC and National LEP on grant/training opportunities
- Arranged for spring programs at Benson West Elementary
 - NRD will be providing standards based programs for each of the grades

Senior NCO of the Year



Master Sergeant Jean Tait

Congratulations to the 710th Medical Squadron Senior NCO of the Year for 2004. Your commitment to excellence and unsurpassed performance has made a significant impact in our unit and the Air Force Reserve. You have truly "Aimed High" in the best Air Force tradition.

A handwritten signature in black ink, appearing to read "Steven J. Gambaiana".

Steven J. Gambaiana, CMSgt
Amn/NCO Board President

A handwritten signature in black ink, appearing to read "Paula F. Springer".

Paula F. Springer, Colonel
Commander 710th MDS

February 4, 2005

Steve Oltmans
Papio NRD
8901 South 154th
Omaha, NE 68138

Dear Steve,

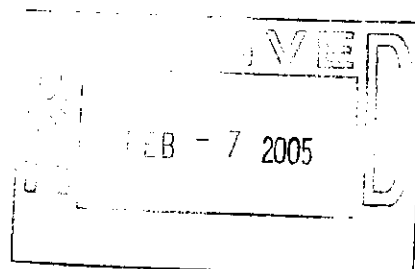
I was one of the mentors on Vencils Island youth hunt this past fall. We met that day in November when you were looking at the property along with three other people. Thank you for the opportunity to allow us to do the youth hunt there. We harvested a total of 5 deer, 4 does and one small buck. For three of the youth involved it was their first experience in taking a deer with a bow and arrow. Hunting through rain, snow and the extreme cold created many memories and stories that will be told over and over again.

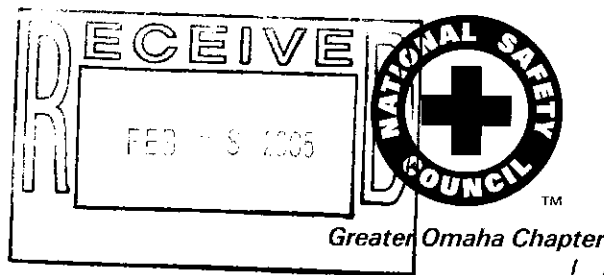
The deer population seemed to decrease shortly after the soybeans were harvested. I assume they crossed the river in search of food as there wasn't much left after combining. Is there any thought to providing food plots for wildlife on this property? If so I would be willing to help in any way possible. Working at the Farmers Co-op in Gretna I have access to complimentary seed and herbicides for projects like this. And if plots are not a part of the plan we'll continue without them. Again, thanks for the opportunity to let us do our youth hunt on your property. If you ever want some of the kids or me to talk about the program at a board meeting we would be happy to do so.

Sincerely,

Loren Katt

Loren Katt
22750 Lincoln Rd
Gretna, NE 68028





February 7, 2005

Steven G. Oltmans
General Manager
Papio-Missouri River NRD
8901 S 154 Street
Omaha, NE 68138

Dear Steve,

Thank you so much for serving as a member of the Board of Directors for the Council since 2000.

Your active role as Chairman of Member Services on the Executive Committee and a member of the Court Services Committee was greatly appreciated.

Thank you for all your hard work and dedication to the Council and its Mission. We will miss you very much.

Sincerely,

National Safety Council, Greater Omaha Chapter


Kay Farrell
President/CEO

KF/dlc

*Steve - You have been terrific!
We thank you so much for all your support!
We will miss you!
God*

February 14, 2005

COOPERATIVE EXTENSION
INSTITUTE OF AGRICULTURE AND NATURAL RESOURCES
Douglas/Sarpy Counties

Mr. Steve Oltmans
Papio-Missouri River Natural Resources District
8901 S 154th Street
Omaha, NE 68138-3621

Dear Steve:

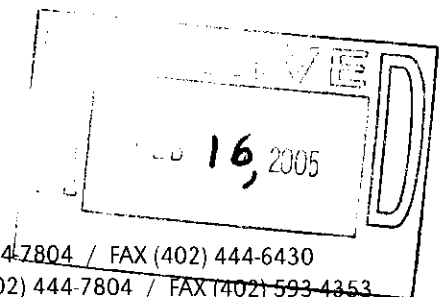
Thank you for taking time from your busy schedule to serve as the master of ceremonies for the "Building for the Future - Erosion and Sediment Control Seminar III". Your involvement and support lends credibility to the educational seminar. We had 138 people in attendance.

Thanks for keeping the program on track and adding some humor to the day.

Sincerely,



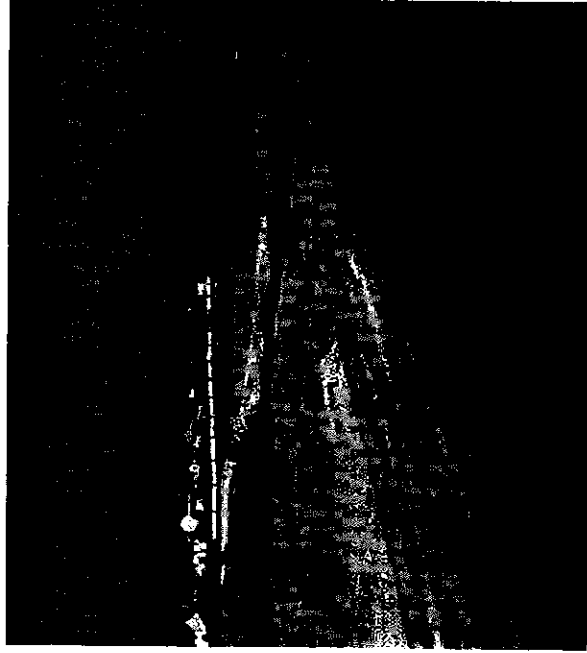
Steven R. Tonn
Extension Educator
Omaha Metro Area Lakes



Central Office / 8015 West Center Road / Omaha, NE 68124-3175 / (402) 444-7804 / FAX (402) 444-6430
South Office / 1308 Gold Coast Road / Suite 200 / Papillion, NE 68046-3019 / (402) 444-7804 / FAX (402) 593-4353

BUILDING FOR THE FUTURE

EROSION & SEDIMENT CONTROL SEMINAR III



State, District and Local Agency Updates --
Omaha Permit Application and Inspection
Protocol, NDEQ Compliance and
Enforcement, Papillion Creek
Watershed Perspective and
Installation and Maintenance of Best
Management Practices

Wednesday, February 9, 2005

8:30 a.m. – 12:30 p.m.

**Douglas/Sarpy Extension Office
8015 West Center Road, Omaha**

**RSVP by Jan. 31 to Steve Tonn, D/S
Extension, 444-4237 or
stonn2@unl.edu**

PROGRAM

Emcee: **Mr. Steven Oltmans, General Manager,
Papio-Missouri River NRD**

SESSION A: PERMITTING and COMPLIANCE UPDATE

8:30 a.m. Changes in Application and Inspection
Protocol – Geoff Goodwin and Chester
Black, Omaha Public Works Dept.

9:00 a.m. Stormwater Compliance and
Enforcement-- Donna Luckner,
Nebraska Dept. of Environmental
Quality

9:30 a.m. The Watershed Perspective-- Paul
Woodward and Marty Grate, Papillion
Creek Watershed Partnership

9:40 a.m. -----Break-----
Refreshments provided by Lumbermen's
ASP Enterprises

SESSION B: BEST MANAGEMENT PRACTICES

10:00 a.m. Grade Stabilization Structures and
Buffers – Chuck Leinen, Natural
Resources Conservation Service

10:30 a.m. Installation and Maintenance of Inlet
Filters, Silt Fences and Flocculents--
Steve Pudenz and Jeff Funk,
Lumbermen's and Brian
Williams, ASP Enterprises

11:30 a.m. Questions and Answers

Seminar Sponsors:

City of Omaha

U.S. Army Corps of Engineers

Papio-Missouri River Natural Resources District

Metro Omaha Builders Association

Natural Resources Conservation Service

Nebraska State Home Builders Association

UNL Cooperative Extension- Douglas/Sarpy

Papillion Creek Watershed Partnership

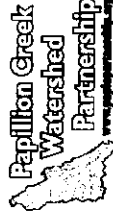
Nebraska Dept. of Environmental Quality



**U.S. Army Corps
of Engineers.**



**Nebraska
DEQ**



Program Speakers:

Mr. Chester Black - Air Quality Control Manager,
Omaha Public Works Dept.

Mr. Jeff Funk - Division Manager, Lumbermen's

Mr. Geoff Goodwin - Grading and Erosion Control
Program Manager, Omaha Public Works Dept.

Mr. Marty Grate - Environmental Quality Division
Manager, Omaha Public Works Dept.

Mr. Chuck Leinen - Civil Engineer, Natural Resources
Conservation Service

Ms. Donna Luckner - Unit Supervisor NPDES

Permitting, Nebraska Dept. of Environmental Quality

Mr. Steve Pudenz - Geoproducts Sales Manager,
Lumbermen's

Mr. Brian Williams - Erosion and Sediment Control
Specialist, ASP Enterprises

Mr. Paul Woodward, Water Resources Engineer, Papio-
Missouri River Natural Resources District

Nebraska State Legislature

SENATOR MARIAN L. PRICE

District 26
6735 Lexington Circle
Lincoln, Nebraska 68505
(402) 466-0130

Legislative Address:
State Capitol
PO Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2610
mprice@unicam.state.ne.us



COMMITTEES

Standing
Appropriations
Nebraska Retirement Systems

Select
Committee on Committees

Special
Vice Chairperson - Legislative Performance
Audit

February 22, 2005

Steven Oltmans, General Manager
Papio-Missouri River Natural Resources District
8901 South 154th Street
Omaha, NE 68138-3621

Dear Steven,

I enjoyed meeting you and visiting with you at the Embassy Suites recently at the Natural Resources District gathering. I always enjoy this event and usually connect with a number of persons I have seen there, year after year.

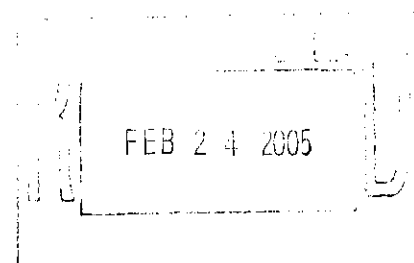
Please never hesitate to contact me as the need arises. I greatly value your input on issues before us.

My very best wishes to you, Steven!

Sincerely,

A handwritten signature in cursive script that reads "Marian".

Marian L. Price
Nebraska State Senator
Legislative District #26



February, 2005

[illegible]

Updated: February 14, 2005

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

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Big Papio Channel Project - West Center Road to West Dodge Road** (Woodward):
- **Little Papio:** (Cleveland)
- **Big Papio :** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (W)
 - ★ Purchase Agreements, deeds (90th to Giles) (P)
 - ★ Interlocal Agreement with Sarpy County and Bellino (N)
 - ★ Dittus ROW Condemnation (N)
- **Western Sarpy Dike** (Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - Cabin ROW Documents, closing for Vosler & Grothe (W)
 - ★ Hansen ROW Condemnation (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - Bennington Trail Interlocal Agreement (W)
 - Western Douglas County Trails Agreement (W)

- **Missouri River Corridor Project** (Becic):
 - California Bend – Final settlement with tenant (Wright's) (W)
 - Lower Decatur Bend – Appraisal Review, ROW documents and habitat easements (P)
- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - ✳ Pigeon/Jones Creek Site Easements – as needed (3 at present) (W)
 - Silver Creek Site Easements– as needed (W)
 - Release of Site S-7 Easement (W)
 - ✳ Papio Site S-27 (Fox Ridge Estates) Trail Easements (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - Dam Site 19 agreement (F)
 - ✳ Dam Site 13 Purchase Agreement with Dial (W)
 - ✳ DS 13 Purchase Agreement for Lyman-Richey Corp (W)
 - ✳ DS 13 Agreement with Elkhorn and Omaha (W)
 - ✳ DS 13 Easement with Metro Community College (W)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
 - NRD Bonding Authority Legislation (P)
- **Rural Water Projects:** (Sklenar)
- **Elkhorn River Public Access Sites** (Sklenar):
 - ✳ Purchase Agreement and Warranty Deed with G&G Manufacturing (W)
- **Other:**
 - Interlocal Agreement with Bellevue for Missouri Riverfront Development (P) (Becic)
 - NRD/Roncalli/Omaha Agreement – Cole Creek Improvement Project (N) (Bowen)
 - ✳ Walnut Creek Amphitheater Lease (W) (Lee)

**PAPILLION CREEK
WATERSHED PARTNERSHIP**

MEETING MINUTES



**Meeting on Comprehensive Stormwater Management
February 10, 2005, 10 AM to Noon - Board Room
Natural Resources Center, 8901 S. 154th Street, Omaha, NE**

Attendants

The following were in attendance: Laurie Carrette Zook (HDR), Lyle Christensen (HDR), Mark Wayne (Sarpy Co), Kent Holm (Douglas County), Dan Freshman (Ralston), David Goedecken (Bellevue), Marty Leming (Papillion), Robert Hayes (Boys Town), Marty Grate (Omaha), Nina Cudahy (Omaha), Bob Sink (Omaha), Karen Klein (Omaha), Pat Slaven (Omaha), Lynn Heng (NRCS), Donna Luckner (NDEQ), Steve Tonn (Douglas/Sarpy Co Extension), Marlin Petermann (P-MRNRD), and Paul Woodward (P-MRNRD).

Purpose

A Partnership meeting was held on the above date in order to discuss topics stated in the attached agenda. The meeting began at approximately 10:10 AM.

1. Introductions

- Marlin Petermann (P-MRNRD) opened the meeting and everyone introduced himself or herself. An agenda and sign-up sheet were distributed.

2. Watershed Study Action Items

- The latest responses to the "Green" Watershed Question Cards were handed out. Laurie Carrette Zook explained that any further revisions would need to be finalized by tomorrow and that any additional comments should be directed to her by the end of the day, February 10, 2005.
- Lyle Christensen (HDR) explained that the proposed presentation for the "Clean" Watershed Public Forum to be held next Thursday, February 17, 2005 had been reviewed at a Subcommittee meeting earlier that morning and suggested changes would be incorporated. The format of the public survey form was discussed. It was concluded that presenters and possibly other knowledgeable volunteers such as Bob Sink or Marty Grate should be prepared to respond to written questions prior to having the public complete a survey. It was also decided that Questions and Answers from the last Public Forum would not be printed, but would be made available on the Partnership website. Paul Woodward (P-MRNRD) noted that announcements for the Green Public Forum had been mailed out yesterday and that he would send out an email notification later. Also, a press release was provided to the Omaha World Herald for a potential article. It was suggested that those receiving the email announcement should forward it to other interested parties

including associations or organizations who might favor a “Clean” watershed. Boards for information stations were discussed and it was decided that an additional board showing additional “Clean” watershed pictures would be prepared by HDR. Other materials needed for the Public Forum next Thursday were noted and will be provided with coordination between the NRD and HDR.

- The upcoming dates for the Clean (February 17, 2005) and Safe (March 23, 2005) Public Forums were noted. A Subcommittee Meeting to prepare for the Safe Watershed Public Forum was scheduled for Thursday, March 3, 2005 @ 10 AM and on Thursday, March 17, 2005 @ 9AM followed by a full Partnership meeting at 10 AM.
- A short outline of the Draft Papillion Creek Master Plan Scope of Work was distributed and described. Major tasks were reviewed including the facilitation of a workgroup to help formulate policies and standards, detailed study of multiple BMP strategies in a Pilot Basin, and determining the best location of water quality basins, streambank stabilization, linear green spaces along parks, and CSO controls. It was decided that a more detailed scope and future meeting was needed to hammer out the details prior to the end of the month.

3. NPDES Permit Compliance

- Nina Cudahy (Omaha) reviewed that she had only received one set of comments concerning the draft NPDES Phase II Annual Reports. Any additional comments need to be forwarded to Nina for inclusion by March 1, 2005. Following any changes, individual NPDES Phase II communities will need to have a final copy of their report prepared by the next Partnership meeting on March 17, 2005. Kent Holm noted that he had sent out a letter requesting street sweeping information from individual SIDs and was pleased with the response.
- Marty Grate (Omaha) reviewed that City of Omaha staff had met with Pat O’Brien to discuss the details of 2005 monitoring requirements. From this meeting, he explained that a plan for monitoring sites was being prepared and would be available for review around the last week of February. Donna Luckner (NDEQ) announced that recent publications from NDEQ considered all urban stream as “recreational use” because of their accessibility to humans.
- An updated summary of the Watershed Fund was handed out. The procedure and accounting for reimbursement was briefly discussed. It was decided that reimbursements will likely be based on previous estimates.

4. Stormwater Legislation

- Marlin Petermann (P-MRNRD) noted that the bill was still in Natural Resources Committee and summarized some of the testimony from the hearing on LB 102 on January 19, 2005. Donna Luckner (NDEQ) explained that NDEQ had been asked to meet with the committee to review the estimated cost of compliance for the stormwater

program and would include cost estimates prepared by the Partnership's Needs Assessment. She also noted that 10 other communities across the state greater than 10,000 in population would shortly be receiving a letter mandating an NPDES Phase II Permit application within 180 days.

5. Other Items of Interest

- Pat Slaven (Omaha) explained that a Draft Report was recently completed by Olsson Associates for the Cunningham Lake Community Based Watershed Plan and had been forwarded to the Partnership for review via email. Comments on the draft report need to be provided to Pat Slaven or Jason Farnsworth with Olsson Associates by Friday, February 25, 2005. It was noted that there was a Cunningham Lake Watershed Council meeting tonight to discuss the draft and plan for an upcoming public meeting in March. Proposed projects were discussed including the additional 7 water quality basins in the watershed.

6. Next Meeting Dates

- The next Partnership meeting will be held on Thursday, March 17, 2005 at 10:00 AM in the Board Room of the Natural Resources Center. A Subcommittee meeting will be held on Thursday, March 3, 2005 at 10:00 AM in the Board Room and prior to the March 17, 2005 Partnership Meeting at 9:00 AM in the Board Room of the Natural Resources Center. The next public forum is scheduled for Thursday, March 23, 2005, at 7:00 PM.

7. Adjourn

- The meeting adjourned at approximately 11:45 AM. An agenda, attendance list, and the handouts passed out at the meeting are available to those members who were not present at the meeting upon request.

Please contact Paul Woodward at 444-6222 regarding any questions or comments concerning these meeting minutes.

Draft Papillion Creek Masterplan Scope of Work

BACKGROUND AND BASIS OF PROPOSAL

The purpose of this effort is to prepare a Watershed Masterplan for the Papillion Creek Watershed for the Papillion Creek Watershed Partnership (PCWP) to comply with the Phase II NPDES permit requirements and establish an overall approach for watershed management and future improvements.

Duration: Through December 2006

SCOPE OF SERVICES

The scope of work is segmented into 8 task series:

- Task Series 100 – Project Management
- Task Series 200 – NPDES Phase II Support
- Task Series 300 – Facilitated Workgroups
- Task Series 400 – Inventory Problem Areas
- Task Series 500 – Masterplan Pilot Basin and Policy Development
- Task Series 600 – Site Water Quality Basins
- Task Series 700 – Financing Options Assessment
- Task Series 800 – Master Plan Development

TASK SERIES 100 -- PROJECT MANAGEMENT

- ✓ Task 110 Project Management
- ✓ Task 120 PWCP Meetings (assume 24)

TASK SERIES 200 -- NPDES PHASE II SUPPORT

No tasks associated with the following NPDES permit minimum controls: Construction Site Runoff Control, Pollution Prevention/Good Housekeeping and Stormwater Monitoring Plan

- ✓ Task 210 Public Education and Outreach
 -
 - Subtask 210.1 Webpage Hosting
- ✓ Task 220 Public Participation/Involvement
 - Subtask 220.1 Green, Clean, & Safe, and Update Meetings (4 meetings)
 - Prepare for Meetings
 - Facilitate Meetings
 - Prepare Post Meeting Materials (survey results)
 - Subtask 220.2 Watershed by Design Vision
 - Summary Documentation of Green, Clean and Safe Watershed Meetings. (Input to Working Group)
 - Subtask 220.3 Additional Public Meeting (one meeting)
- ✓ Task 230 Other NPDES Assistance
 - Subtask 230.1 Documentation of Phase II NPDES activities and BMPs
 - Subtask 230.2 Annual Report Review

TASK SERIES 300 -- FACILITATED WORKGROUPS

- ✓ Task 310 Working Group -- responsible for policy development
 - Subtask 310.1 Define Working Group Members
 - Subtask 310.2 Conduct Working Group Meetings (8 meetings)
 - Prepare for Meetings
 - Facilitate Meetings
 - Prepare Post Meeting Materials
- ✓ Task 320 Technical Task Force
 - Subtask 320.1 Define Technical Task Force Members (10-15 folk e.g. agency (NRCS, USACE), academia, consultants, PWCP representative, etc.)
 - Subtask 320.2 Conduct Technical Task Force Meetings (12 meetings)
 - Prepare for Meetings
 - Facilitate Meetings
 - Prepare Post Meeting Materials

TASK SERIES 400 – INVENTORY PROBLEM AREAS

- ✓ Task 410 Data Collection
 - Subtask 410.1 Collect GIS Coverages (2004 aerials & topography, floodplain)
 - Subtask 410.2 Create GIS Shapefiles (slopes, open space along stream corridor)
 - Subtask 410.3 Collect Maintenance Records of Problem Areas
- ✓ Task 420 Identify Problem Areas (cursory review, no modeling)
 - Subtask 420.1 Review GIS Coverage
 - Subtask 420.2 Field Verification
 - Subtask 420.3 Classify Types of Problems
- ✓ Task 430 Identify Types of Solutions (e.g. grade stabilization, conveyance, storage, channel restoration/preservation)
- ✓ Task 440 Identify Locations for Solutions
- ✓ Task 450 Prepare Technical Memorandum

TASK SERIES 500 – MASTERPLAN PILOT BASIN AND POLICY DEVELOPMENT

- ✓ Task 510 Identify Pilot Basin (e.g. Subbasin for Dam Site 14)
 - Subtask 510.1 Evaluate and Select Pilot Basin
 - Subtask 510.2 Conduct Field Reconnaissance of Selected Pilot Basin
 - Subtask 510.3 Verify Hydrologic Model
- ✓ Task 520 Develop White Paper on Policy Issues to Address Green, Clean, and Safe (use pilot basin to illustrate impact of policy)
 - Subtask 520.1 Planning Policy
 - Low Impact Development Assessment (limited to Big Papillion Creek in Washington County)
 - Stream Restoration and Preservation
 - Open Space

- Subtask 520.2 Conveyance Policy (drainage easements, storm drains, culverts, open channels)
 - No Adverse Impact
 - Subtask 520.3 Water Quality Policy
 - Allowable pollutant loading (sediment, nutrients and bacteria)
 - Subtask 520.3 Storage Policy
 - Detention – Regional vs. Local (waivers)
 - Subtask 520.4 Administrative Policy (approvals, reporting, O&M responsibility)
- ✓ Task 530 Master plan Pilot Basin
 - Subtask 530.1 Define Projects (based on policy decisions)
 - Subtask 530.2 Prepare Conceptual Cost Estimate
 - Subtask 530.3 Prioritize Projects
 - Subtask 530.4 Prepare Technical Memorandum
 - ✓ Task 540 Policy Development (based on Working and Technical Group Input)
 - Subtask 540.1 Prepare Draft Policy Section
 - Subtask 540.2 Prepare Final Policy Section

TASK SERIES 600 – MASTER PLAN DEVELOPMENT (DETAIL DEPENDENT ON \$)

- ✓ Task 610 Define Projects (Based on Pilot Basin Results and policy)
- ✓ Task 620 Prepare Conceptual Cost Estimate
- ✓ Task 630 Prioritize Projects
- ✓ Task 640 Prepare Master Plan Report (including implementation roles)
- ✓ Task 650 Assist Partners in Presentations to Elected Officials

Memorandum

To: Steve Oltmans and File 527 "Multi-Reservoir"
From: Paul Woodward, Water Resources Engineer
Date: February 22, 2005
Re: NRD Flood Control Projects Meeting w/ Senator Mick Mines

On February 18, 2005, District staff including you, Paul Peters, and I meet with Senator Mick Mines at his request regarding the future of NRD flood control projects in Washington County. Also in attendance were other invitees such as Duane Wilcox and Jeff Quist from the Washington Co Board of Supervisors, Trent Nokia (NARD), Steph Cude (Senator's staff), and Lynn Rex (League of Municipalities). The meeting began at 10:00 AM and was held in the State Capitol, Room 1401.

The proposed reservoir map was reviewed including existing flood control dams, levees, and channel improvements. It was described how storage and conveyance work together and that more channel improvements upstream in the watershed would likely worsen conditions downstream. Other non-structural flood control methods were also explained including updated floodplain mapping using future land use conditions. The effectiveness of terraces was discussed and it was explained that terraces are designed to prevent soil erosion and are not effective in the event of the 100 year or greater flood.

The Newport Landing (Dam Site 6) project was reviewed in detail. The total cost of around 60 million was broken down with the developer (Horgan) paying 32 million, the SID accounting for 24 million, and the NRD paying 4 million. This cost to the NRD was compared to the estimated 25 to 30 million that it would have taken to build a totally public reservoir similar to Zorinsky. The private/public partnership used to develop dam site 6 was discussed and copies of the agreements and land rights documents were handed out.

The progress made on other dam sites including Dam Sites 13, 15A, 19, and 8A was discussed. Copies of the final agreement with Dial Development for Dam Site 13 were handed out. It was noted that the development of at least 3 out of 4 of these sites in the next two years would cost the NRD approximately 15 to 20 million. The future of the two proposed dams (3C and 1) in Washington County was discussed. It was made clear that no agreements had been approved with a developer and that due to the size of the project, the District did not feel that just one developer could accomplish the project. Therefore, the idea of land pooling was discussed. The impacts of sites 3C and 1 were reviewed and it was noted that the land rights needed for the project did include up to the top of dam, however, easements could be used between the 500 year flood pool and the top of dam. Impacts of Dam Site 3C to the villages of Washington and Kennard were discussed. It was noted that homes north of Greene Street might be able to be mitigated in Washington and that all structures would likely remain in Kennard. The economic benefit of a large reservoir to the area was also discussed.

It was clearly stated that the NRD had no intention of overriding the county's authority to close roads through state legislation and that the County would still have to approve road closures to allow these dams to be built. LB 552 was reviewed and it was noted that an amendment removing sections 3 and 4 would likely be forthcoming. General question and answers followed and the meeting concluded around 11:40 AM.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

09 FEB 2005

Dear Interested Citizen:

The U.S. Environmental Protection Agency (EPA), Region 7, has issued an Interim Record of Decision for the Omaha Lead Site in Omaha, Nebraska. The enclosed Fact Sheet further explains EPA's remedy for the cleanup of lead-contaminated properties in Eastern Omaha.

If you have questions about the Fact Sheet or the Omaha Lead Site, please feel free to contact:

Debbie Kring, Community Involvement Coordinator
U.S. Environmental Protection Agency
Office of External Programs
901 North 5th Street
Kansas City, Kansas 66101
(913) 551-7003 or toll-free @ 1-800-223-0425
kring.debbie@epa.gov

Sincerely,

A handwritten signature in cursive script that reads "Debbie".

Debbie Kring, Community Involvement Coordinator
Office of External Programs

Enclosure



Region 7

Iowa
Kansas
Missouri
Nebraska

Fact Sheet

February 2005

EPA Issues Interim Record of Decision Omaha Lead Superfund Site, Omaha, Nebraska

INTRODUCTION

The U.S. Environmental Protection Agency (EPA) issued an Interim Record of Decision for the Omaha Lead Site on December 15, 2004. This document describes the remedy that will be implemented to address lead-contaminated soils at thousands of additional homes in eastern Omaha. The remedy is considered interim because it addresses only the more highly-contaminated properties at this time. This approach allows additional studies to be performed prior to selection of a final Record of Decision that will address all remaining properties at the Site.

EPA response work has been underway at the Omaha Lead Site since 1999. To date, lead-contaminated soils from 708 residential properties have been excavated and replaced with clean soil. This work has been performed using EPA's emergency response authority which has addressed the most highly-contaminated properties. The cleanup is now moving into EPA's long-term cleanup program.

Excavation and soil replacement has generally been performed until now at properties where soil lead concentrations exceed 1,200 parts per million (ppm). Child-care facilities and properties where children with elevated blood lead levels reside have also been prioritized up to this point. The remedy selected in the Interim Record of Decision significantly expands the scope of the ongoing cleanup.

Under the Interim Record of Decision, the action level for excavating and replacing contaminated soils has been lowered to 800 ppm. As many as 5,600 properties at the Site may be contaminated with lead above this level, and are now eligible for cleanup. The selected remedy includes a number of measures to reduce lead exposure levels in the eastern Omaha community:

- Excavation, backfilling, and resodding of yard soils exceeding 800 ppm;
- Soil replacement and resodding at child care facilities and homes with children exhibiting an elevated blood lead level where soil lead concentration exceeds 400 ppm;
- Participation in a comprehensive program with other organizations and agencies to address other potential sources of lead exposure;
- Stabilization (sealing) of loose and flaking exterior lead based paint prior to excavation;
- High-efficiency interior cleaning of homes following soil replacement; and
- Public health education and outreach to increase awareness and lead-safe practices in the home.

The EPA plans for this work to be performed over the next three to five years. During this period, EPA will collect additional data to better characterize risks associated with the low and moderately-contaminated soils at the Site that are not addressed by this remedy. Additional work will also be performed to evaluate potential soil treatment technologies that

could be used to reduce risks in lieu of excavating and replacing contaminated soils. The additional information generated during the performance of the interim remedy will be used to select a final remedy for remaining properties at the Site.

BACKGROUND

The Omaha Lead Site consists of residential properties that are contaminated with lead due to historic industrial air emissions. The properties that comprise the Site include residential properties, child care facilities, schools, and other residential-type properties in Eastern Omaha. The Site includes only residential properties, and does not include the Omaha central business district.

In 1998, the Omaha City Council solicited assistance from EPA in addressing problems with lead contamination in the Omaha area, due to the number of children that had been identified with elevated blood-lead levels.

According to 2000 Census data, the focus area includes 37,554 housing units, including single family and multi-family dwellings. The 2000 Census population for the focus area is 86,958, including 9,395 children less than seven years of age.

The focus area of the Site includes an area of approximately twenty square miles (12,800 acres) generally bounded by Ames Avenue to the north, L Street to the south, 45th Street to the west, and the Missouri River to the east. These boundaries define a general area where the majority of the impacted properties are located. The actual Site, however, includes any residential-type property that has become lead-contaminated as a result of historic industrial emissions. The Site is defined on a property-to-property basis, and is not defined by a discrete boundary.

Additional information can be found at the following repositories:

W. Dale Clark Main Library
215 South 15th Street
Omaha, Nebraska
(402) 444-4800

South Omaha Library
2202 M. Street
Omaha, Nebraska
(402) 444-4850

Washington Branch Library
2816 Ames Avenue
Omaha, Nebraska
(402) 444-4849

EPA Region 7 Records Center
901 N. 5th Street
Kansas City, Kansas
1 (800) 223-0425

Repository information is available for citizens to review on CD ROM, as well as in hard copy form.

Additional information is available by contacting:

Debbie Kring
Community Involvement Coordinator
(kring.debbie@epa.gov)
Toll-free @ 1-800-223-0425

or

Bob Feild
Project Coordinator
(feild.robert@epa.gov)
(913) 551-7697

PAPIO-MISSOURI RIVER
NATURAL
RESOURCES
DISTRICT



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

February 17, 2005

Ms. Brenda McGuire
Rural Special District Insurance Services
Glatfelter Insurance Group
4512 Feather River Drive, Suite F
P.O. Box 7277
Stockton, CA 95267

Dear Brenda:

The District has received your letter regarding the Risk Assessment you conducted October 20-21, 2004. We would like to thank you for the time and energy you extended in reviewing the District projects, programs and policies. It is always interesting to have a new set of eyes look at our operating procedures.

I have attached the Survey Loss Control Recommendations form you included with your letter. I have also included a fact sheet with more details regarding the District's plan of action regarding your recommendations. If you have any questions regarding this information, please feel free to contact me or Pat Teer at 402-444-6222.

I enjoyed your visit to the District and look forward to working with you in the future.

Optimistically,

Steven G. Oltmans
General Manager

P.S. How about those Red Sox!!!!

Cc: Keith Limbo, Dunbar Peterson

/pt/insure/2005/ltr-McGuire

Papio-Missouri River Natural Resources District Board of Directors

Fred Conley • John Conley • Richard Connealy • Tim Fowler • Richard Jansen • Rick Kolowski
Dorothy Lanphier • Joseph Neary • John Schwoppe • Rich Tesar • Jim Thompson
Steven G. Oltmans, General Manager

Papio-Missouri River Natural Resources District - NE

Survey Loss Control Recommendations

The table below will provide your organization an easy way to document your compliance activity. Documentation is an important part of your organization's overall risk control program. If a recommendation has been completed, please enter "yes" and the completion date in the space provided. If a recommendation has not been completed, please enter "no" and the expected date of completion as well as any comments in the space provided for comments. Please indicate any activities or actions taken toward completion of recommendations in the comments section as well.

Signature of Officer: _____

Date: 2/17/05 Title: General Manager

ID No.	Recommendation(s)	Completed Y/N	Date Completed
04-1	Risk Transfer/Use of Contractors	Yes	2/2005
04-2	Seed Drill Use Agreement	see attached	on-going
04-3	Driver Record Review Criteria	Yes	2-2005
04-4	Background Checks	see attached	on-going
04-5	Volunteer Safety Orientation	Yes	2/2005
04-6	Playground Inspections	Yes	2/2005

Comments on Non-Completed Recommendations:

If additional space is needed for your comments, please use the reverse side of this page

Please complete and return this form to your insurance representative

Please Read Carefully

In connection with your application for insurance, we have undertaken a limited survey of your premises, equipment or operations. The survey is limited to: (i) the particular type of insurance provided; and (ii) only those aspects of your premises, equipment or operations which we deem necessary to make an underwriting decision. This document only provides information and recommendations about conditions and practices which were observed and evaluated at the time of the on-site visit. The recommendations enumerated in this document do not constitute a safety inspection and in no way supplant your duty to provide a safe place of employment or to establish safe methods of operation. Completion of all of the recommendations contained in this document does not assure that every hazard has been adequately controlled or that no other hazards exist. We do NOT warrant that any or all property, operations, workplaces, machinery or equipment are safe or in compliance with any law, rule, regulation or ordinance.

Essential Recommendations:

- 04-1 **Risk Transfer/Use of Contractors.** Attached is the P-MRNRD Contractor Agreement. Signed form and Certificate of Insurance will be kept on file.
- 04-2 **Seed Drill Use Agreement** – The grass drills are delivered and picked up by District personnel. Therefore, there is no over the road exposure for people renting the grass drills. GM has determined that an equipment lease agreement is not needed at this time, but will continue to monitor program.
- 04-3 **Driver Record Review Criteria** –Fleet Safety Driver Criteria will be included in the District’s Safety and Injury Prevention Program (see attached).
- 04-4 **Background Checks** –While volunteers help with tours of the District Nature Trail at Chalco Hills Recreation Area and certain environmental activities, the volunteer is always accompanied by a District employee. When booking an activity or tour, one of the requirements is the school or group provide adult supervision for the activity. Therefore, staff and/or volunteers would not be working with children in unsupervised settings. GM has been determined that background checks are not needed at this time, but will continue to research.
- 04-5 **Volunteer Safety Orientation** – All District volunteers are given a briefing by the District’s Volunteer Coordinator. This briefing includes a review of the “Volunteer Information Book” which includes Emergency Numbers; First Aid; Chalco Hills Information; Rental Information and Board Members. A copy of the VIB index is attached. Also attached is a copy of the volunteer application form.
- 04-6 **Playground Inspections** – An assessment of all District playground areas will be conducted to determine the frequency of inspections required. The assessment criteria includes: Use Factors – vandalism, use and age; Materials – Protective surfacing, material of major components, equipment and age of equipment; and, Environmental Factors – salt air – coastal exposure, acid soils/rain; sun exposure. A copy of the assessment form is attached. Also attached is a copy of the Inspection Report that will be used.



Contractor Agreement

Papio-Missouri River Natural Resources District ("the District")
8901 S. 154th Street
Omaha, NE 68138
Phone: 402-444-6222
Fax: 402-895-6543

Contractor Information:

Name: _____ ("Contractor")
Address: _____
City/State/Zip: _____
Phone: _____ Fax: _____

Work to be performed for the District ("the Work"): _____

Contractor agrees to undertake the Work as an independent contractor without creation of an employee-employer relationship between Contractor and the District. To the fullest extent permitted by law, Contractor will defend, indemnify and hold harmless the District, its directors, officers and employees, from and against all claims and demands of all persons arising out of the performance of the Work including but not limited to claims by Contractor or Contractor's employees for damages to persons or property, except as may be caused by the sole negligence or willful misconduct of the District or of its directors, officers or employees.

Contractor agrees to maintain the following types and minimum limits of insurance during the term of this contract and, at the commencement of the Work and at other times as reasonably requested by the District, to furnish Certificates of Insurance to the District evidencing the same:

- A. Commercial General Liability - \$1,000,000 -- naming the District as an additional insured
- B. Workers Compensation - Statutory limits
- C. Commercial Auto Liability - \$1,000,000

Contractor agrees to perform the Work skillfully, carefully, diligently and in a good and workmanlike manner, and guarantees the Work against all defects in materials or workmanship for 2 years after completion of the Work.

Contractor agrees to comply with all Federal, State and local laws, codes and regulations and agrees to pay all taxes imposed by any Federal, State or local law, and any employment insurance, pensions or old age retirement funds, due as a result or incident of the Work.

Accepted and agreed to:

Papio-Missouri River NRD

Contractor: _____
(Business Name)

By: _____
(signature/date)

By: _____
(signature/date)

Papio-Missouri River Natural Resources District

Fleet Safety Driver Criteria

Pursuant to October 20-21, 2004 Risk Assessment , it was recommended that fleet safety driver criteria be established. The goal is to identify and correct 'at risk' drivers before there is a serious accident or incident.

Annual Motor Vehicle Report (MVR) Review:

Annual MVR reviews will be done for **ALL employees** (including non-employee drivers if applicable). This review will be done by the District's insurance carrier at the time of renewal. MVR will be run on all new employees at time of hire. The following criteria will be used to evaluate annual MVR reviews -

1. Clean Record -- No action
2. One moving violation -- Discussion/evaluation with General Manager or Safety Committee Coordinator (DUI type of infraction could result in immediate termination depending on severity and past history)
3. One collision -- No Fault -- No action
4. One collision -- Preventable Collision -- Discussion/evaluation with General Manager or Safety Committee Coordinator plus semi-annual (or more frequent) review of MVR
5. Moving violation -- Discussion/evaluation with General Manager or Safety Committee Coordinator and possibly including a semi-annual review of MVR
6. One collision and one moving violation---Probation for one year, semi-annual review of driving record (depending on severity and past history)
7. More than one moving violation -- Possible suspension of driving privileges (or severe warning of suspension). Increase MVR review frequency.
8. Two or more driver preventable collisions -- Termination of driving privileges or other significant management intervention/action.
9. Two moving violations and one collision -- Termination of driving privileges or other significant management intervention/action.

Suspension of driving privileges can be reviewed. If agreed upon by all parties, a driving contract can be drafted which stipulates specific controls to be followed. If contract is broken, driving privileges can be forfeited.

High Risk Drivers

Drivers can be classified as "**High Risk Drivers**" if the MVR review indicates, or it is otherwise determined that the driver has one or more of the following violations, or if the insurance company declines coverage for the driver for any reason.

1. Conviction for an alcohol and/or drug related driving offense.
2. Refusal to submit to a Blood Alcohol Content (BAC) test or Drug Test.
3. Conviction for Reckless Driving.
4. Any combination of three or more moving violations, Preventable Collisions, or "At Fault" Accidents over a three-year period (or other appropriate time period agreed upon by management).

5. Suspension, revocation, or administrative restriction of driver's license over a three-year period.
6. Leaving the scene of an accident as defined by state laws.
7. At fault in a fatal accident.
8. Felony committed/convicted involving a vehicle.
9. Three or more "Company Vehicle" physical damage claims in a twelve-month period (or other appropriate frequency/amount period agreed upon by management).

Management Controls for High Risk Drivers

The General Manager can consider suspending all company driving privileges immediately upon identification of a High Risk Driver. The "High Risk Driver" will not be authorized to drive a company owned motor vehicle at any time, or will not be considered to drive their personal vehicle on company business.

The General Manager may either transfer the employee to a position that does not require driving, if such a position exists, or the employee may be subject to discipline up to and including termination of employment.

The employee may reapply for company vehicle driving privileges after one year of suspension and completion of an approved defensive driver training class (as an example of a re-entry program). An application can be made to the General Manager, and must be approved by the District's Safety Committee. If approved, the employee's driving status can change from suspension to probation (or other applicable status). Reinstatement of driving privileges may not constitute an offer by the company for any position that involves driving a company vehicle. A position opening must exist and normal job posting procedures must be followed.

1

**EMERGENCY
NUMBERS**

2

FIRST AID

3

**CHALCO
INFORMATION**

4

**RENTAL
INFORMATION**

5

BOARD MEMBERS

Papio-Missouri River
Natural Resources District
8901 S. 154th Street
Omaha, NE 68138-3621
(402)444-6222

Volunteer Profile/Agreement Form (Please Print)

Name _____ Date _____

Address _____
Street City State Zip

Telephone _____ Birthdate _____
Home Work

Social Security Number _____ Referral _____

Emergency Contact:

Name _____ Relationship _____

Telephone _____
Home Work

Is It Necessary Or Desirable For You To Limit Your Physical Activity In
Any Way? _____ If Yes, Please Explain _____

Work/Volunteer Experience _____

Educational Degrees _____

Additional Training _____

Favorite Sports, Hobbies, Interests _____

How Did You Learn About Our Volunteer Program? _____

Times Available To Volunteer:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Morning							
Afternoon							
Evening							

Please Check Any Of The Following Activities of Interest:

Trail Guide _____

Flora/Fauna Inventory _____

Exhibit Guide _____

Special Events _____

Photography _____

Publications _____

Grounds Maintenance _____

Clerical _____

Art Work _____

Librarian _____

Speakers Bureau _____

Childrens' Programs _____

Surveying _____

Trails Monitor _____

Special Skills and Knowledge:

Birding _____

Typing _____

Flora/Fauna Identification _____

Gardening _____

Sailing _____

Music _____

Canoeing _____

Natural Science _____

Carpentry _____

Sign Language _____

Computer _____

Public Speaking _____

Drawing _____

Teaching _____

Foreign Language _____

Writing _____

Other _____

Additional Comments _____

Volunteer Agreement

In submitting my application as a Papio-Missouri River NRD Volunteer, I do so of my own free will, without any expectation of employment by the Papio-Missouri River NRD, and with the understanding that I shall receive no monetary compensation or benefits. I volunteer for the purpose of contributing to the wise use and management of our natural resources and environment.

Signature_____

Date_____

Parent_____

Date_____

(Needed if under age 18)

PLAYGROUND MAINTENANCE

It is estimated that 30 to 40 percent of all accidents on public playgrounds could have been prevented if a good preventative maintenance program were in place. A good program establishes a frequency of inspections that are commensurate with the use and environmental factors unique to each play area. Some playgrounds will require daily inspections while others in the same area may require only bi-weekly inspections. The deterioration and/or wear of various play certain factors are known. On the other hand, vandalism has a major influence on the frequency of inspections but is not as predictable.

The following guide utilizes the most common use and environmental factors that will influence your schedule. Each factor has been weighed as to its importance and influence on the schedule. Local conditions may include other factors, and in some cases, may affect seasonal adjustments to the schedule. Experience is your best guide.

A Guide to the Frequency of Inspections

Enter the factor points in the right hand column that best describes the conditions at the playground.

Use Factors	Factor Points
Vandalism	_____
High - 8 pts.	
Moderate - 5 pts.	
Low - 2 pts.	
Use	_____
High - 10 pts.	
Moderate - 2 pts.	
Low - 2 pts.	
Age	_____
PreSchool - 1 pt.	
School Age - 2 pts.	
All Ages - 2 pts.	

Materials

Protective Surfacing	_____
Loose Material - 12 pts.	
Synthetic Material - 2 pts.	
Material of Major Components	_____
Wood, Painted Steel - 4 pts.	
Plastics, Aluminum, Gal. Steel - 2 pts.	
Stainless Steel - 0 pts.	
Equipment	_____
Moving: Swings, Spin-Arounds, etc. - 5 pts.	
Static: Non-Moving Climbers - 2 pts.	
Both - 5 pts.	
Age of Equipment	_____
0-5 years - 2 pts.	
5-10 years - 6 pts.	
Over 10 years - 10 pts.	

Environmental Factors

Salt Air - Coastal Exposure	_____
None - 0 pts.	
Moderate - 2 pts.	
High - 4 pts.	
Acid Soils/ Rain	_____
None - 0 pts.	
Moderate - 1 pt.	
High - 2 pts.	
Sun Exposure	_____
Low - 1 pt.	
Moderate - 2 pts.	
High - 3 pts.	

Total

Enter Total Points Here
See back to determine frequency of inspections.

**LANDSCAPE
STRUCTURES INC**

PLAYGROUND MAINTENANCE

Your Total Points

50 or More
40-50
30-40
Below 30

Recommended Frequency of Inspections

Daily Inspections	High Frequency
Weekly Inspections	
BiMonthly Inspections	Low Frequency
Monthly Inspections	

NOTE:

For your program to be effective, the inspectors must be properly trained. Call the equipment manufacturer if you are uncertain as to how a particular component should be inspected and when it should be replaced.

Keep this worksheet with other documentation on this playground.

Date

Person Completing Worksheet

Name/Address of Playground

Recommended Frequency of Inspections:

High Use Period

Low Use Period

**LANDSCAPE
STRUCTURES INC**

© 1995 by Landscape Structures Inc.

601 7th St. S., Delano, Minnesota 55328 (612) 972-3391 FAX (612) 972-3185
SPECS/110/11094600.PM5

Inspection Report

Park Location:

Today's Date _____

Inspection # _____ of _____
Year

Playground Location:

Time _____ / _____
In Out

Inspector _____

GENERAL MAINTENANCE SHEETS

INTRODUCTION
CLEANING INSTRUCTIONS
REPAIR OF POWDERCOATING

COMPONENT MAINTENANCE SHEETS

DESCRIPTION	FREQ.	FINDINGS / ACTIONS TAKEN
PG MAINT PLAYBOOSTER SYST		
FASTENERS/HARDWARE	1	
CAPS	1	
POSTS	1	
BEAM(S)	1	
CONCRETE FOOTING(S)	10	
CLAMP ASSEMBLY	1	
PG MAINT PB TYPICAL POLES		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
POLE WELDMENT	1	
PERMALENE PANEL(S)	1	
PG MAINT PB TYPICAL POLES		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
POLE WELDMENT	1	
PERMALENE PANEL(S)	1	
PG MAINT TENDERDECKS PB		
FASTENERS/HARDWARE	1	
DECK	1	
DECK HANGER CLAMP	1	
PG MAINT TENDERDECKS PB		
FASTENERS/HARDWARE	1	

Inspection Report

Today's Date _____

DESCRIPTION	FREQ.	FINDINGS / ACTIONS TAKEN
DECK	1	
DECK HANGER CLAMP	1	
PG MAINT TENDERDECKS PB		
FASTENERS/HARDWARE	1	
DECK	1	
DECK HANGER CLAMP	1	
PG MAINT TENDERDECKS PB		
FASTENERS/HARDWARE	1	
DECK	1	
DECK HANGER CLAMP	1	
PG MAINT XFER MODULES PB		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
HANDRAILS	1	
DECK/STEPS	1	
HAND POST	1	
PG MAINT SLIDEWINDER PB		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
FOOTERS	10	
SLIDE/HOOD	2	
PG MAINT SPYROSLIDES PB		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
DECK	10	
FOOTERS	10	
POLY PARTS	2	
HANDBAR	1	
PG MAINT DBL WAVE SLD PB		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
BASE SUPPORT(S)	2	
POLY SLIDE	1	

Today's Date _____

DESCRIPTION	FREQ.	FINDINGS / ACTIONS TAKEN
HOOD	2	
PG MAINT CLATTERBRDG PB		
FASTENERS/HARDWARE	1	
HANDRAILS	1	
MOUNTING PLATES & PLANKS	1	
PG MAINT T-TUFF PARTS PB		
FASTENERS/HARDWARE	1	
HAND/CHIN/TURNING BARS	2	
VERTICAL LADDERS	2	
KICK PLATE	2	
BARRIER/GUARDRAIL	2	
TENDERTUFF PATCH	1	
PG MAINT T-TUFF PARTS PB		
FASTENERS/HARDWARE	1	
HAND/CHIN/TURNING BARS	2	
VERTICAL LADDERS	2	
KICK PLATE	2	
BARRIER/GUARDRAIL	2	
TENDERTUFF PATCH	1	
PG MAINT T-TUFF PARTS PB		
FASTENERS/HARDWARE	1	
HAND/CHIN/TURNING BARS	2	
VERTICAL LADDERS	2	
KICK PLATE	2	
BARRIER/GUARDRAIL	2	
TENDERTUFF PATCH	1	
PG MAINT GENL ACT PNLS PB		
FASTENERS/HARDWARE	1	
PERMALENE PANEL(S)	1	
PG MAINT PIPE CLIMBERS PB		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
PERMALENE PANEL(S)	1	

Inspection Repor

DESCRIPTION	FREQ.	FINDINGS / ACTIONS TAKEN
PIPE CLIMBER ASSEMBLY	1	
PG MAINT BLOCK CLIMBER PB		
FASTENERS/HARDWARE	1	
CONCRETE FOOTING(S)	10	
KICK PLATE	1	
SUPPORT	2	
PERMALENE PANEL(S)	1	
BLOCK(S)	1	

PG MAINT LOOSE SURF PB		
CLEANING	1	
LEVELING	1	
RENEWING	2	

[illegible]



RURAL SPECIAL DISTRICTS

Insurance Services SM

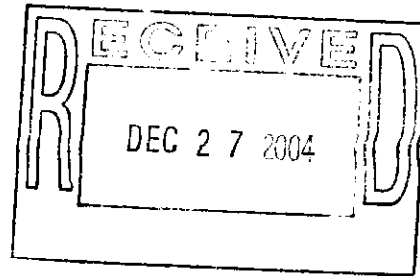
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December 20, 2004

Mr. Steve Oltmans
General Manager
Papio-Missouri River Natural Resources District
8901 S. 154th Street
Omaha, NE 68138



Re: Risk Assessment- October 21, 2004

Dear Mr. Oltmans:

It was a pleasure meeting you and your staff during the visit that I made to your District on October 21, 2004. The purpose of my visit was to meet you and conduct a risk assessment of your agency. I appreciated the information that you provided about your organization's operations.

As a result of the risk assessment, I am providing you with a list of recommendations to assist you in your loss control efforts. Please feel free to contact me with any questions you may have about these recommendations. I would appreciate if you would let us know within 60 days your plan of action regarding these recommendations

Sincerely,

Brenda McGuire
Risk Consultant

Please Read Carefully

In connection with your application for insurance, we have undertaken a limited survey of your premises, equipment or operations. The survey is limited to: (i) the particular type of insurance provided; and (ii) only those aspects of your premises, equipment or operations which we deem necessary to make an underwriting decision. This document only provides information and recommendations about conditions and practices which were observed and evaluated at the time of the on-site visit. The recommendations enumerated in this document do not constitute a safety inspection and in no way supplant your duty to provide a safe place of employment or to establish safe methods of operation. Completion of all of the recommendations contained in this document does not assure that every hazard has been adequately controlled or that no other hazards exist. We do **NOT** warrant that any or all property, operations, workplaces, machinery or equipment are safe or in compliance with any law, rule, regulation or ordinance.

Papio-Missouri River Natural Resources District - NE

Survey Loss Control Recommendations

The table below will provide your organization an easy way to document your compliance activity. Documentation is an important part of your organization's overall risk control program. If a recommendation has been completed, please enter "yes" and the completion date in the space provided. If a recommendation has not been completed, please enter "no" and the expected date of completion as well as any comments in the space provided for comments. Please indicate any activities or actions taken toward completion of recommendations in the comments section as well.

Signature of Officer: _____

Date: _____ Title: _____

ID No.	Recommendation(s)	Completed Y/N	Date Completed
04-1	Risk Transfer/Use of Contractors	_____	_____
04-2	Seed Drill Use Agreement	_____	_____
04-3	Driver Record Review Criteria	_____	_____
04-4	Background Checks	_____	_____
04-5	Volunteer Safety Orientation	_____	_____
04-6	Playground Inspections	_____	_____

Comments on Non-Completed Recommendations:

If additional space is needed for your comments, please use the reverse side of this page

Please complete and return this form to your insurance representative

Please Read Carefully

In connection with your application for insurance, we have undertaken a limited survey of your premises, equipment or operations. The survey is limited to: (i) the particular type of insurance provided; and (ii) only those aspects of your premises, equipment or operations which we deem necessary to make an underwriting decision. This document only provides information and recommendations about conditions and practices which were observed and evaluated at the time of the on-site visit. The recommendations enumerated in this document do not constitute a safety inspection and in no way supplant your duty to provide a safe place of employment or to establish safe methods of operation. Completion of all of the recommendations contained in this document does not assure that every hazard has been adequately controlled or that no other hazards exist. We do NOT warrant that any or all property, operations, workplaces, machinery or equipment are safe or in compliance with any law, rule, regulation or ordinance.

Essential Recommendations**04-1 Risk Transfer/Use of Contractors**

Your organization retains overall responsibility and authority for services furnished under contract. The use of effective risk transfer can help protect your organization from liability exposures resulting from the use of contractors and consultants. Risk transfer includes the use of written contracts, obtaining certificates of insurance and additional insured endorsements. Your organization should require the following when using the services of contractors, consultants and others regardless of contract amount.

- Obtain current certificates of insurance and additional insured endorsements

- Require contract language that indemnifies and holds harmless employees, volunteers and directors of your organization to fullest extent permitted by law

You should work closely with your legal counsel to develop appropriate contract language

04-2 Seed Drill Use Agreement

The District should develop a Seed Drill Use Agreement and require that landowners sign this agreement prior to using the District's seed drill. This agreement should detail responsibilities for the transportation and use of the seed drill. In addition, this agreement should include hold harmless and indemnification provisions favorable to the District. You should work closely with your legal counsel to develop this agreement.

04-3 Driver Record Review Criteria

The District should expand its current driver record review program and develop a policy for determining eligibility of employees to drive District owned vehicles or vehicles rented. The District's policy should address the following:

- Definition of an acceptable driving record; -

- Sanctions for employees failing to maintain an acceptable driving record;

- The process for conducting annual and ongoing reviews of employee driving records.

04-4 Background Checks

The District should conduct criminal background checks for staff/volunteers that will likely be working with children in unsupervised settings.

04-5 Volunteer Safety Orientation

The District should include information about the District's safety program as part of volunteer orientation. Topics addressed should include information on accident/incident reporting and emergency procedures.

04-6 Playground Inspections

The District should insure that all play equipment is inspected, repaired, and maintained by on a regular basis with the necessary documentation.

All employees performing repairs shall be trained in accordance with the District's playground safety training program, in order to maintain the playground equipment in substantial compliance with the current standard of care.

Water law ²⁻⁴⁻⁰⁵ ^{W.H.} to face tests, experts say

By DAVID HENDER

WORLD-HERALD STAFF WRITER

ELWOOD, Neb. — The question of how to resolve conflicts between surface water and groundwater users is more difficult to ignore after a recent Nebraska Supreme Court decision.

But two water-law experts differed on whether the state's new water law, Legislative Bill 962, provides the tools to unravel disputes.

David Aiken, a water and agricultural law specialist at the University of Nebraska-Lincoln, and David Cookson, an assistant Nebraska attorney general specializing in water issues, spoke at the Elwood Water Conference.

Each noted the Supreme Court's January decision that a Panhandle ranch can sue irrigators who pump from the ground for taking too much water and drying up a stream. That case involves the Spear T Ranch.

"We would hope that folks . . . think long and hard before they bring a lawsuit against their neighbor . . . and would spend our limited resources and our limited time on working together under (LB) 962," Cookson said.

But Aiken said LB 962 does not tell judges, irrigators or natural resources districts managers how to deal with situations in which groundwater pumping depletes streams.

He said the ruling offers no guidance on where state policymakers should draw lines on maps to determine which wells would be regulated or liable.

"We're going to need some more lawsuits to see where the Supreme Court really goes with this . . . but it's still fairly wide open, in my opinion," Aiken said. "It's likely going to involve money."

Cookson said the new water law is the best tool for both groundwater and surface-water users because it is designed to balance and resolve conflicts.

"We're either going to solve this through the 962 process, or everybody's going to be walking to the courthouse and having a judge decide," he said. "We think that working together is a better idea."

Aiken said Nebraska is entering a new era of no longer being able to rely on its vast supplies of groundwater to carry it through water crises.

"Now it's on the front burner and we're going to have to deal with it," he said. "Whether (in) courts or in the Legislature remains to be seen."

Study to help guide water management

2-6-05

The Associated Press

GRAND ISLAND — A study of the relationship between groundwater and surface water along the Platte River Basin should serve as a guide in the management of groundwater resources, Central Platte Natural Resources District officials said.

The western model of the Platte River Cooperative Hydrology Study was released last week. The eastern model, which covers the Central Platte NRD, is expected to be released this week, said Duane Woodward, Central Platte Natural Resource District hydrologist, who worked on the study.

The study's purpose was to better understand the impact groundwater pumping has on river and stream flows in the Platte River Basin.

"We knew from the cooperative agreement program on the Platte River the state was working on with Colorado and Wyoming that we needed to be able to come up with what the depletion effects were from groundwater pumping," Woodward said.

The three-state cooperative agreement, which still hasn't been approved, is designed to ensure beneficial water flows in the Platte

River for wildlife.

Woodward said the study was set up to develop a database and models that act as tools to analyze groundwater and surface water interaction.

The database includes groundwater level and surface flow data along the Platte River from more than 50 years of record keeping.

Woodward said he will use the study to better determine whether the Central Platte NRD is either fully or overappropriated when it comes to groundwater pumping in the future.

In 2003, the Central Platte NRD board of directors approved a temporary suspension of new well drilling in anticipation of the state law passed last year giving the state authority to determine whether an NRD is fully or overappropriated.

The state has determined that the Central Platte NRD, along the Platte River, is fully appropriated for groundwater pumping.

Woodward said his study will help officials of the Central Platte NRD to better regulate water usage when models indicate a pending crisis. Overall, NRDs and farmers will be better able to manage groundwater and surface water resources.

Heineman seeks balanced river plan

2-8-05

BY DAVID HENDEE

WORLD-HERALD STAFF WRITER

SIOUX FALLS, S.D. — Nebraska will continue its middle-of-the-stream approach to Missouri River water issues, Gov. Dave Heineman said Monday.

Heineman met with fellow governors and others at a Missouri River water conservation summit meeting called by South Dakota Gov. Mike Rounds to seek a temporary solution to keeping as much water as possible in the drought-stricken river during the next two years.

"We're not here to try to draw lines in the sand," Heineman said in an interview. "I'm optimistic that we'll continue to work toward a resolution of this where all the interests are bal-

The Nebraskan and fellow governors of Missouri basin states agree to encourage conservation measures.

tion measures possible under its guidelines for managing its system of dams on the river.

Heineman said Nebraska can support water-saving measures that comply with the corps' master operating plan.

"This is a much more complex issue than we all realize," Heineman said. "There are more competing interests than I envisioned. But I also sensed that all states want to find a solution."

Heineman said one key to saving water in the reservoir system is for the basin states to support the Bush administration's

Rounds pushed for the resolution to keep as much water as possible in the reservoirs next year.

If the drought continues, Rounds said, the amount of water held behind the dams probably will shrink to 31 million acre-feet by March 2006.

At that point, the corps would suspend barge traffic on the middle and lower Missouri. Rounds said all Missouri basin states would suffer, including possible power plant cutbacks and reduced access to water for public water systems and crop irrigation.

acre-feet. Storage ended last year at an all-time low. Runoff into the system last year was 16.6 million acre-feet, or 66 percent of the long-term average. Normal runoff is 25.2 million acre-feet.

The corps said its plan for operating the river this year emphasizes conservation. "We will look at every opportunity to work with the states to save water," said Gen. William Grisoli, the corps' division commander.

Heineman could not miss hearing the upstream states' concerns. On either side of him at a table were two upstream governors: Rounds and Brian Schweitzer of Montana.

"I come with bad tidings," Schweitzer said. "There is no snow in the mountains."

Schweitzer said it is a question

w-H
2-9-05

Anticipate water crises

A North Dakota-based research organization has warned that Nebraska and other parts of the Great Plains are facing a widespread and decades-long drought.

The Energy and Environmental Research Center, based in North Dakota, studied lake bottom sediments, finding that past climate cycles indicate that the coming years should bring a significant drought.

With lakes such as McConaughy and waterways such as the Platte River already low, that is an unappealing picture indeed.

Such a possibility makes the updating of Nebraska's water laws even more crucial. They need to address water rights, allocation and similar concerns in a broad-based and equitable way.

The Nebraska Supreme Court recently identified a major gap in water law. The Legislature, the court said, hasn't yet come up with a water

**Research says
a worse drought
will soon swoop
down on
Nebraska,
Great Plains.**

allocation system that "addresses direct conflicts" involving groundwater users who consume water that is hydrologically connected to watercourses in which sur-

face-water users hold rights.

Clarifying and strengthening the rules on water transfers and sales also should be a goal of lawmakers.

Perhaps North Dakota researchers are unnecessarily pessimistic in their predictions. In any case, the State Department of Natural Resources, the Legislature and its Water Policy Task Force must stay alert and active to anticipate problems and work on solutions before crises loom.

+

LOCAL

S.D. governor unable to gain agreement for holding water

A meeting of Missouri River state leaders ends with a call on the Corps of Engineers to conserve water whenever possible.

BY WAYNE ORTMAN
The Associated Press

STIOUX FALLS, S.D. — A suggestion to tinker with the downstream navigation season as a means of saving water in the drought-affected Missouri River reservoirs was left high and dry Monday.

At a meeting of Missouri River states, Gov. Mike Rounds proposed changing how and when water is released for the downstream barge industry in order to keep more in the reservoirs and avoid a "navigational preclude" that's part of the Army Corps of Engineers' master manual for operating dams and reservoirs.

When storage in the six reservoirs drops to 31 million acre-feet (maf), the corps will be required to save water in the reservoirs. Discharges would be too small to float barges downstream.

The system now has a record low 35 million acre-feet of water, compared to 57 maf normally. Based on current snowpack conditions and

states, said North Dakota Gov. John Hoeven, who backed Rounds' proposal.

"We may build up (reservoir levels) faster by just following the manual then actually what Mike is proposing, although I think Mike is making a good-faith effort to say, 'Hey, let's learn from the past, let's conserve water, this affects everybody,'"

Nebraska Gov. Dave Heinemann and Montana Gov. Brian Schweitzer also attended. The governors of Missouri, Kansas and Iowa sent representatives.

Ron Kucera of the Missouri Department of Natural Resources said changing the flow schedule now would interfere with contracts already signed to haul fertilizer, asphalt and other products by barge this spring and summer.

"Our businesses, our farmers, need reliability and certainty (with water flows) and thought when we got a new master manual — even if they didn't like it — it would have

some reliability and certainty," Kucera said.

There were presentations throughout the day illustrating how low water levels in the reservoir and low flows below Sioux City, Iowa, affect fish reproduction, recreation and intakes that carry water to drinking water systems or power plant cooling systems.

Charles Murphy, chairman of the Standing Rock Indian Reservation in North Dakota and South Dakota, said low water on Lake Oahe led to siltation clogging the intake pipes on a water system. Schools, hospitals, businesses and 10,000 people were without water.

The tribe spent \$3 million for a quick fix, to shuttle the elderly and hospital patients, and for temporary toilets.

"People suffered, and they don't want this crisis again," Murphy said.

Emergency pumping systems for power plants and water systems can take years to design and build at a cost that generally is passed on to

consumers, said Darrell Dorsey, of the Kansas City Board of Public Utilities.

Rounds and Hoeven frequently pointed out that low-water problems in their states will spread to downstream states at the 31 maf trigger.

When downriver flows are low enough, power producers "will take it in the shorts," Rounds said.

"I did not realize that the persuasion of the barge industry would be greater than perhaps the persuasive discussion or points made by the power producing organizations or a whole lot of consumers in the lower basin," he told Kucera.

He intimated later that this might be the only time for compromise.

"I will tell you that it will be our (South Dakota) position that should we not find compromise on this issue this year, when preclude occurs next year we will most certainly ask that it be fully enforced in an effort to conserve water for the following

year," Rounds said.

Schweitzer said the worry in his state is that with two years of low flow from the 31 maf trigger, downstream states will argue they aren't getting their share of water and will make it a political fight in Washington.

"We know preclude is not a good place to go politically," Schweitzer said. "We know there's a master manual and some high-faluting folks worked on this for a dozen years and now it's all cast in concrete, but when folks don't have water to drink in big cities it becomes a big problem, not a little problem like it is when its 10,000 people on an Indian reservation in North or South Dakota," Schweitzer said.

Earlier, Wayne Nelson-Stasny with the South Dakota Department of Game, Fish and Parks said there is below-normal snow depth in the mountains and plains, and below-normal moisture content in what snow is on the ground.

Program would pay farmers to go dry

Natural Resources Department wants \$7 million over three years for water incentive payments to landowners to cut back on irrigation.

BY NANCY HICKS 2-12-05
Lincoln Journal Star

Nebraska could be spending more than \$7 million over the next three years to pay some farmers not to irrigate crops or grow crops at all.

The Nebraska Department of Natural Resources expects to spend about \$1 million in state tax money this fiscal year to encourage about 100 landowners along the Republican River and its tributaries to give up irrigation and go to dryland farming on about 10,000 acres.

The agency expects it may use about \$3.2 million a year in each of the next two years for water incentive payments.

Members of the Legislature's Appropriations Committee, who aren't sure they like the idea of paying farmers not to use water, said the agency is going to have to provide more details before getting a legislative blessing for incentive programs. So far, the committee has not included money for the program

See WATER, Page 2A

Paying farmers not to irrigate

■ One program being used this year pays landowners \$250 an acre over a four-year period to not irrigate. That's \$62.50 per acre per year. The state chips in \$100 per acre and the federal government pays \$125 per acre.

■ A potential problem would pay farmers a rental rate (generally an acre to \$100) if the state is not paying services.

Water

Continued from Page 1A

in its preliminary budget proposal. "It's just pure blackmail," said committee Chairman Don Pater-son about the incentive payments intended to reduce water consumption so the state can meet water contracts with surrounding states.

Pederson of North Platte said he expects the department in a future public hearing "to tell us to what extent we are being extorted."

Lincoln Sen. Chris Beutler pointed out that the state can meet the water use reductions required by water settlements in two ways: with paid incentives or with limits on irrigation.

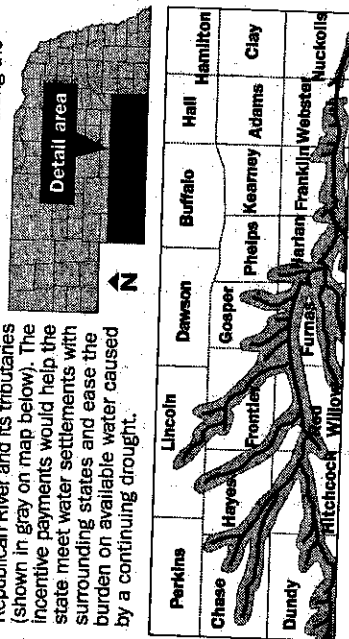
A natural resources district can have a "management plan that says you aren't going to irrigate," Beutler said.

Water incentive payments are one way the state can meet water settlement obligations, said Gayle Starr of the Nebraska Department of Natural Resources.

"If those irrigators don't pump water from the ground or take water out of the river, that helps us meet

State tries to cut back on irrigation

The Nebraska Department of Natural Resources wants to use state tax dollars to encourage about 100 landowners to give up irrigation and go to dryland farming on about 10,000 acres. The land eligible for the program includes an area in southern Nebraska along the Republican River and its tributaries (shown in gray on map below). The incentive payments would help the state meet water settlements with surrounding states and ease the burden on available water caused by a continuing drought.



SOURCE: Nebraska Department of Natural Resources

KIM STOLZER/Lincoln Journal Star

FREMONT TRIBUNE FILE PHOTO

PHOTO GRAPHIC BY KIM STOLZER/Lincoln Journal Star

than 10,000 acres from about 100 landowners who would like to begin the four-year program this growing season, Starr said. The state expects to spend about \$1 million on this incentive program this fiscal year, he said.

The state thinks that the \$62.50 per acre per year — for the total \$250 — makes up for the difference in profit between dryland and irrigated farming, Starr said. Farmers "could raise crops, like corn, milo, wheat, on the land. They just can't irrigate," Starr said.

The department also is negotiating with the federal government on another federal program that would pay farmers the local rental rates (around \$126 per acre) per year to take about 100,000 acres of the land out of production for 10 to 15 years.

Producers would take irrigated crops out of production, primarily corn, soybeans and sugar beets. Half the land would be in the Republican River Basin and half would be in the Platte River Basin.

The department is hoping that no state cash would be involved in the program, though the state would provide in-kind services, Starr said. The program is similar to the Conservation Reserve Program

that is used on about 1.2 million acres of Nebraska land considered highly erodible.

The early incentive programs are focusing on the four natural resources districts in the Republican River Basin. The programs may be expanded to the Platte River Basin and four other natural resources districts, according to Dan Smith, manager of the Middle Republican NRD, with offices in Curtis.

The natural resources districts will use both tools — limiting the amount of water an irrigator can use and offering incentive payments — in the future, said Dean Edson, director of the Nebraska Association of Resources Districts.

Management plans that limit irrigators' water use, without any payments, have political problems, Starr acknowledged. "Yes, you can stop people from irrigating. But you get a real uproar if you tell people that they cannot irrigate," he said.

These landowners put in wells and irrigation equipment during a period when there were no restrictions, Smith said. "Maybe they deserve some compensation," he said.

Reach Nancy Hicks at 473-7250 or nhicks@journalstar.com

City project will create a trails hub

The network planned as part of the Antelope Valley Project will connect trails in all parts of Lincoln.

BY JOSH SWARTZLANDER
Lincoln Journal Star

Walkers and bikers could soon have more trails in downtown Lincoln if the Antelope Valley Project continues as scheduled.

The project calls for a "Trails Hub" along Antelope Creek, Kent Seacrest said at the Great Plains Trails Network's annual meeting Sunday. Seacrest is on the Antelope Valley Revitalization Design Team.

"Trails were identified on day one as part of the vision," Seacrest said. "We're trying to get them connected."

The hub would connect trails in north, south, east and west Lincoln, creating a network that stretches from Southpointe Pavilions to the Highlands and from Pioneers Park to 84th Street.

The hub would run along Holdrege Street and Antelope Creek to the north and east, Eighth Street to the west and G Street to the south, Seacrest said.

Other major Lincoln trails — including the MoPac, Billy Wolff, Rock Island, Highlands, John Dietrich, Bison and Jamaica North — would connect to it, he said.

The hub cannot be completed until the creek is finished in six years or more, said J.J. Yost with Lincoln's Parks and Recreation Department. But the Antelope Valley Trail will be built as the creek is created, Yost said, so parts of it will be accessible in the next one or two years.

The first phase of the Antelope Valley Project is expected to cost \$240 million, Seacrest said.

David Cary, Lincoln transportation planner, also had news for cyclists at Sunday's meeting.

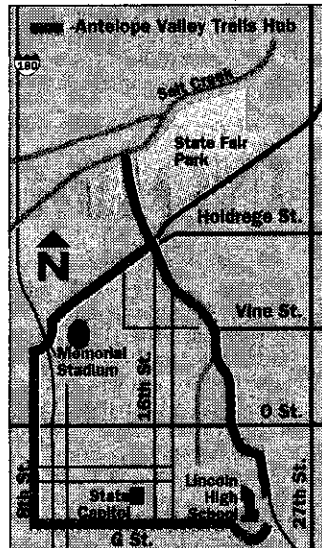
The Downtown Master Plan will include an off-street bike loop and bike lanes on city streets, he said.

"The pedestrian and biking parts of this are integral," he said.

The loop — created by off-street bike paths — will run along M and R streets, 12th Street and Centennial Mall, he said.

On 11th, 12th, M and N streets,

Planned trails hub



SOURCE: City of Lincoln

SHEILA STORY/Lincoln Journal Star

bike lanes could be added on both sides of the streets.

The lanes, which would run along the outside of the streets and be only for bikes, would allow cyclists to more easily navigate downtown, Cary said.

Cary said "angle-in, back-in" parking spaces could be used on streets with bike lanes.

Such parking spaces are angled in the direction of the traffic. Cars would have to back into the spaces, using a technique similar to one used for parallel parking.

Beth Thacker, Great Plains Trails Network president, said it was important to develop the trails in central Lincoln, calling the Antelope Valley hub "critical."

Marilyn Tabor, who lives north of Lincoln, said trails in south Lincoln were abundant.

"As long as I've lived in or near Lincoln, I've been biking and walking," she said. "We have to keep up and make sure they don't forget the north."

Tom Tabor, state ecotourism coordinator, said creating a network of trails is important to keep the city connected and in shape.

"It's important for the health and safety of the people," he said.

Reach Josh Swartzlander at 473-7120 or jswartzlander@journalstar.com.

County takes a look at its master plan

■ The first update since 1998 will help map out growth in undeveloped areas.

2-16-05
By TOM SHAW

WORLD-HERALD STAFF WRITER

With the growth of Omaha and other cities, about 70 square miles of land remain under Douglas County's jurisdiction that could be developed.

How much of that land is ac-

tually developed and how compatible the development is with Omaha's future are questions that county officials want answered as plans come forward for more subdivisions and businesses.

For the first time since 1998, the county will update its mas-

ter plan. The County Board took the first step Tuesday by hearing from county and Omaha planners about the current state of growth.

Kent Holm, head of the county's Environmental Services department, said that by updating the plans, developers will know what officials expect.

"We see this as an opportunity to address some policy issues," he said.

Undeveloped areas under the county's control are roughly between 180th Street and the Platte River, from the Washington County line south to about State Street.

The other area that's left is from 230th Street to the Platte River, between West Maple Road and the Sarpy County line. Some of the land sits in the Platte and Elkhorn Rivers'

See Growth: Page 2

Growth: Master plan gets update

Continued from Page 1
floodplains and would carry development restrictions, Holm said.

The issues of revising the master plan and coordinating planning decisions with Omaha have come up several times over the past year. The county has seen an increase in the number of proposals for acreage developments, where homes typically are placed on more than an acre of land.

City officials have been concerned that without tighter development, the city will have trouble absorbing neighborhoods down the road.

Assistant City Planner Steve Jensen told the board he wel-

comes an updated county plan. The city, he said, will be opening up about 8 square miles of land under its jurisdiction for development.

Douglas County likely will select a consulting firm to work on an updated plan with a committee of county officials. Members from the County Board, Planning Commission, Environmental Services Department and others would serve on the committee.

Board member Mike Boyle said updating the plan was important in part because of discussions last fall about a proposed subdivision overlooking the Elkhorn River near 240th Street and West Q Road.

Some board members were

concerned that development was getting ahead of water resources and street improvements.

Before Tuesday's discussion, the board gave final approval to a 210-acre subdivision at 198th Street and Rainwood Road. The development will have 130 lots, each about an acre in size, and open space. The homes will be served by well water and a waste lagoon.

After the vote, project attorney Jim Lang said Omaha could easily absorb the development in the future because the well-water lines and sewers leading to the lagoon will be built to Omaha and MUD standards.

Protecting Nebraska's water interests

By Governor Dave Heineman

Dear Fellow Nebraskans:

In an agricultural state like Nebraska, we are keenly aware of the importance of wise stewardship of water. The ongoing drought only intensifies the need to consider what impact present day water usage will have on future generations.

That's why I was so pleased to travel to South Dakota recently to engage in a discussion about the future of the Missouri River basin. The day-long meeting was attended by governors or their representatives from seven states. I was joined on the trip by Nebraska's Attorney General and the directors of our Department of Natural Resources and Game & Parks, as well as a representative from Senator Ben Nelson's office. Our travel time presented a terrific opportunity to solidify our stance on Nebraska's continuing efforts to address water issues.

We are now entering the sixth year of a drought that has had a tremendous impact on water levels for many of our state's rivers, lakes and streams. Water levels on the Missouri River are of particular concern, not only because the river traverses so many states but because of our dependence on the river to meet the needs of each state.

In eastern Nebraska, power plants and communities rely on the river to meet their daily need for fresh water. In addition, water from the Missouri River is stored in reservoirs, which are home to several endangered species of wildlife. Their habitat is affected as water flows decrease.

This was my first opportunity to personally engage in the discussion about the future of the Missouri River basin and to ensure Nebraska's interests are represented in that discussion. It was also my first opportunity as Governor to interact with governors from neighboring states. It was refreshing to roll-up our sleeves and work together toward consensus. I was very pleased with the meeting. Diverse and competing state, tribal, and stakeholder interests gathered around one table to have a meaningful discussion about the best way to resolve these difficult issues. I was pleased to see that in spite our competing interests, the discussion was focused on how to address needs from a regional perspective.

The consensus from our meeting was that we would work

within the master manual for operating the river's dams and reservoirs to save water whenever possible. We also agreed that President Bush's proposal to allocate \$82.8 million next year to address this important regional issue is a very positive step. That funding will be instrumental in meeting the needs of threatened and endangered species in the Missouri River basin without significantly impacting power production and municipal water supplies.

Federal funding will not only address wildlife habitat issues, but will also be used to create the Missouri River Recovery Implementation Committee. This group will help ensure that states, tribes and stakeholders in the region have a role in decisions affecting future river operations.

Clearly, issues surrounding water consumption will continue for the foreseeable future. I believe our region is on the right track in trying to manage the Missouri River Basin in as fair a manner as possible. I also believe Nebraska is on the right track with the new water policy, thanks to the commendable efforts of the Water Policy Task Force. We have an obligation to implement a water management plan that ensures consumption does not outpace supply.

Few things are more important than doing what we can to ensure this vital natural resource is available for our children and grandchildren. Our way of life depends on it.

Have an opinion - write a letter to the editor.

JOURNAL STAR
MORNING DAILY
LINCOLN, NE
Circulation = 74795

02/17/2005



Bills pit trout against cattle

The rule preventing feeding operations within two miles of a trout stream could be eased.

BY SCOTT BAUER
The Associated Press

The balance over encouraging livestock production while also preserving the state's natural resources, in particular trout, is being tested under a pair of legislative proposals that would ease restrictions designed to protect cold water streams.

The bills, heard Wednesday by the Legislature's Natural Resources Committee, would allow livestock and other animal feeding operations to expand within two miles of a trout stream if scientific data can be presented to show there would be no harm to the environment.

The committee took no immediate action on the bills.

The issue pits farmers and ranchers against environmentalists seeking to protect the streams.

"I don't know if there's any mid-

dle ground here," said Sen. Ed Schrock of Elm Creek, chairman of the committee. The dilemma is finding a way to ensure people can enjoy fishing while at the same time not infringe on the ability of livestock operators to be in business, Schrock said.

Under current law, any animal feeding operation required to have a state permit cannot be located within two miles of a cold water trout stream. That affects livestock operations with at least 1,000 head of cattle or 2,500 hogs.

Farmers in Scottsbluff, where many of the state's trout streams are located, testified via teleconference in support of the bills saying removing the two-mile barrier would help foster growth in the livestock industry.

"We just don't have Microsoft wanting to come out here to build a plant," said Stan Walker, a farmer and hog producer in Scottsbluff. "We have to allow for economic prosperity."

With reasonable requirements in place, livestock operations can be safely located within two miles of a trout stream, said David Howell, a fourth generation farmer and cattle producer north of Henry.

There are natural barriers, such

as hills or gullies, within two miles of many streams that would make expansion of livestock operations safe, said Sen. LeRoy Loudon of Ellsworth, who introduced one of the bills (LB120) heard by the committee. The other bill (LB390) was proposed by Sen. Adrian Smith of Gering.

Representatives of sportsmen and fishing clubs cautioned that any infringement on the current law could lead to spoiling the streams, most of which are off the White and North Platte rivers in the Panhandle or off the Niobrara River in northern Nebraska.

Just as the livestock industry is an economic benefit to the state, so too are natural resources such as the streams that can attract fishermen to the area, said Joe Herrod, representing the Nebraska Council of Sportsmen's Club. He also said allowing livestock operations within two miles of a stream would be detrimental to the health of the fish.

Leaving the decision up to an assessment of the state Department of Environmental Quality is problematic because too many times the agency does not utilize all available scientific information, said Wes Sheets, representing the Nebraska division of the Izaak Walton League.

Drought persists along the Missouri

■ The Corps of Engineers says below-normal snowpack means river flows will be down again.

2-17-05
BY DAVID HENDEE
WORLD-HERALD STAFF WRITER

Missouri River reservoir levels will be lower and streamflows reduced this year as drought persists, the Army Corps of Engineers said Wednesday.

The corps' new forecast of below-normal snow accumulation in the Rocky Mountains and Great Plains foreshadows another year of managing the nation's longest river with less water to meet needs of cities, power plants, shippers and others, Brig. Gen. William Grisoli said.

"We will continue to monitor weather and river conditions to assure adequate water supply along the river, while setting releases as low as possible to conserve water in the reservoirs," said Grisoli, Northwestern Division engineer.

The mountain snowpack two weeks ago was at 68 percent of normal above Fort Peck Lake in Montana. It was 72 percent of normal in the section from Fort Peck to Garrison Dam in North Dakota.

Normally, 61 percent of the annual snowfall in the mountains has accumulated by early February.

The corps forecasts annual runoff to be 18 million acre-feet this spring, or 71 percent of normal, said Larry Cieslik, chief of the corps' water management office in Omaha. Normal runoff is 25.2 million acre-feet.

"It's likely that dry soil conditions will reduce the runoff this year," Cieslik said.

The corps' system of dams on the Missouri ended January with 35 million acre-feet of water. A year ago the system held 38.2 million acre-feet.

The navigation season for barges begins April 1 at the mouth near St. Louis. The length of the season is expected to be shortened by between 40 and 61 days. The final decision will be based on the amount of water in storage July 1.

The corps' three largest reservoirs on the river are lower than they were a year ago.

Corps officials have agreed to a request from Missouri River basin governors and tribal chairmen to implement all possible drought conservation measures this year within its master operating plan.

Lake Oahe in South Dakota is expected to end February 26 feet below its normal seasonal level. The reservoir is 2.4 feet lower than last year at this time.

Lake Sakakawea, created by Garrison Dam, will end the month 25 feet below normal. The reservoir is 8.3 feet lower than last year.

Fort Peck Lake will end the month 32 feet below normal. Last year at this time it was 6.8 feet higher.

The drought also is affecting the corps' ability to generate electricity.

Six power plants on the Missouri generated 473 million kilowatt hours of electricity in January, 63 percent of normal. That was the second-lowest January generation since 1967.

Big Mac

After dropping to its lowest level in history last summer, Lake McConaughy is on the rise. Still, the elevation of 3,217 feet above sea level is 3 feet lower than a year ago at this time.

Water officials said precipitation to the west and a decision to withhold water for irrigation have allowed the reservoir to rise from the record low of 3,197 feet above sea level in mid-September.

More people, more pollution

Development main
reason for increase
in pollution along
Papio watershed

By Keith Rydberg
Reporter

2-22-05
31am Rep
In order to keep the Papillion Creek Watershed "green, clean and safe," the Papillion Creek Watershed Partnership is conducting a series of forums in the interest of educating the public and possibly gaining solutions to fix ongoing problems in the watershed.

On Thursday, Feb. 17, the third in a series of five forums was conducted by the partnership members at the Papio-Missouri River Natural Resources District office in Omaha.

After a November meeting explained the partnership's objective of creating a watershed master plan to meet the standards of the Clear Water Initiative and to improve water quality in the watershed, which is located in Washington, Douglas and Sarpy counties, a second meeting took place in January in which the Green Watershed aspect was discussed.

Some of the Green Watershed objectives discussed at the January meeting included possibly creating greenways within the 402-square-mile watershed as the partnership maintains the greenways will minimize the impacts of urban development by giving the natural environment in the watershed a chance to thrive. Other benefits will include increased recreational opportunities, improved aesthetics and wildlife habitat.

The partnership also said property values in the affected area would likely increase as the greenways would make the watershed more physically attractive.

At Thursday's meeting, the Clean Watershed aspect was covered with Marlin Petermann, assistant general manager for the Papio-Missouri River Natural Resources District, com-

menting that much of the pollution within the watershed is the result of increased development.

Washington County joined the Papio Creek Watership Partnership last year, but pulled out just a few months later after learning of the NRD's proposal to build several dams along the creek, including two in Washington County.

While growth is expected in each of the three counties which contain parts of the watershed, Petermann said Washington County is anticipated to have the most substantial growth in the next 40 to 50 years, with the county's population in 2050 expected to top 60,000, compared to its current population of about 19,500.

"You can see that considerable population growth in the watershed is coming," Petermann said. "That does impact water quality, depending upon how the watershed is managed."

Petermann said the anticipated urban development could increase the level of soil runoff into the Papillion Creek and its tributaries if preventive measures are not taken. Statistics Petermann provided showed that bodies of water running near a housing development have, on average, a 50 to 80 percent runoff rate.

Because of the high runoff rate, Petermann said various contaminants are more likely to find their way into the Papio Creek and, ultimately, the Missouri River.

Lyle Christensen, a project engineer with HDR Engineering, told the audience that as of 2004 the main contaminants for the Papio and West Papio creeks were a variety of chemicals, such as fertilizers, that were brought into the creek by runoff from contaminated soil.

In the Big Papio Creek, fecal coliform bacteria was the top contaminant and resulted from sewage being dumped into the creek.

Christensen showed a

SEE PAPIO PAGE 3A

PAPIO: *Water quality meeting topic*

FROM PAGE 1

chart indicating levels of bacterial contamination at several locations in the watershed as of 2000 and 2001. As indicated by the chart and confirmed by Christensen, no area of the watershed was entirely free from bacteria or had levels considered safe. The highest readings were generally found in samples taken from areas near the Omaha metropolitan area, such as La Vista, Bellevue and Papillion.

Christensen said the bacteria found in the sample likely came from many different sources such as cropland runoff, runoff from grazed pasture land, urban runoff, raw sewage, sewer overflows and runoffs from feedlots. He also said the raw sewage that led to the fecal coliform findings likely came from lagoons along the Upper Big Papillion and livestock operations throughout the watershed and the nearby Zorinsky Lake as well as dumping.

After listing the contamination sources, Christensen and Petermann pre-

sented a list of strategies as to how the contamination effects can be reduced and how the overall watershed can be improved.

"There are a lot of things that are going on right now with this," Christensen said. "The question is whether they are enough."

Along with enforcing stricter policies for water quality and erosion control, Christensen said the partnership also needs to implement water quality improvement projects and enforce additional management practices when construction projects occur to prevent unnecessary sediment and erosion runoff. For farmers, Christensen suggested the partnership members work to show farmers how planting buffer strips of native grasses between field crops would prevent soil runoff that results in decreased yields.

In areas where water contamination has already occurred, one solution would be to place booms across the pond or lake that would release additional chemicals in the water that

would neutralize the harmful effects of the chemical or bacteria. Other controls would include increasing storage technology and biologically treating the stormwater.

One of the solutions the city of Omaha is considering is installing a combined sewer system in areas of high stormwater runoff. The system would consist of a separate septic tank that would collect the stormwater, keeping the stormwater apart from the water collected for human use. At the present time, Christensen said the city is determining which areas of the city are most in need of the combined sewer systems.

"The cost of complying

(with the Clean Water Initiative) ultimately comes down to the people in this room," Christensen said. "If it is a mandatory thing that has to happen, it has to happen."

After presenting all possible options, Christensen and Petermann noted the forum series will continue at 7 p.m. March 23 at the NRD office at 8901 S. 154th Street in Omaha with a discussion on the Safe Watershed aspect. The series will conclude June 16 with an update of the Watershed by Design program.

Page Design: Almee Hatfield

Court to settle water dispute

The DNR says it can regulate all users of water for irrigation and power purposes; others say area NRDs control groundwater.

BY KEVIN O'HANLON
The Associated Press

Attorney Stephen Mossman said it best when he penned "Whiskey is for drinkin' but water is for fightin' about."

Mossman's 1996 article in the Creighton Law Review outlined the intensifying battle over Nebraska's ground and surface water, which the state Supreme Court again has been asked to enter.

The high court will hear arguments March 3 in a case stemming from a 2004 decision by the Nebraska Department of Natural Resources against the Central Nebraska Public Power and Irrigation District.

The DNR said it does not have the power to regulate users of groundwater who are accused of depleting water levels in the 55-mile-long Lake McConaughy, the state's largest reservoir.

"Lake McConaughy is in dire condition," wrote attorney Michael Klein in briefs submitted in the case for Central.

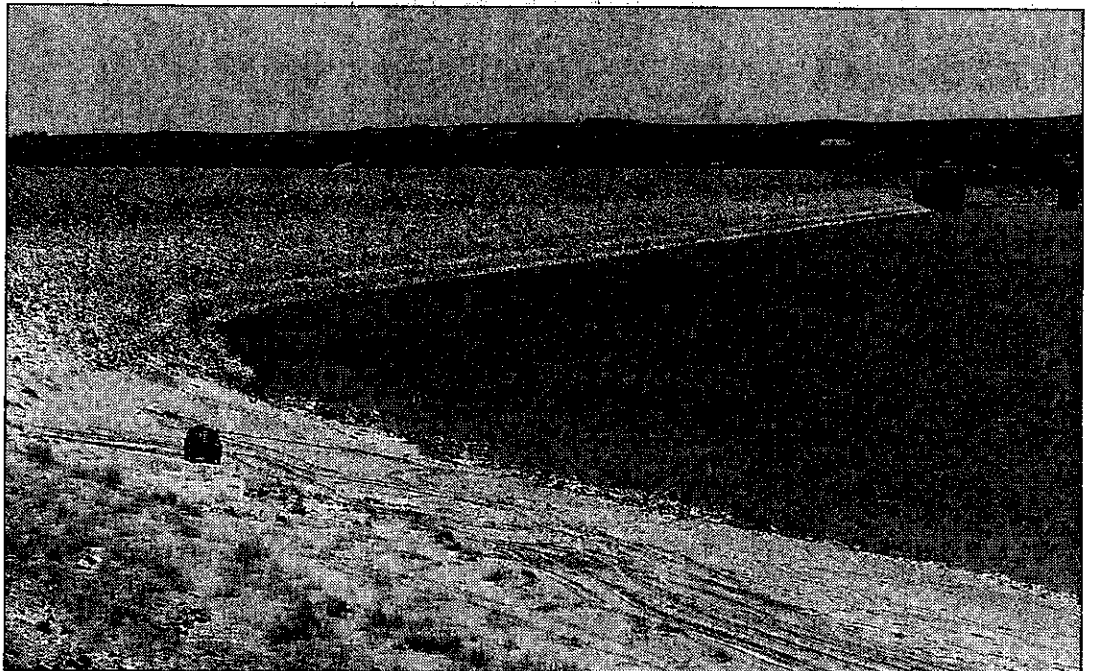
The flow in streams and rivers in Nebraska is controlled by the state, which sets water allocations for surface irrigators.

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

But many streams in the state rely heavily on groundwater for replenishment.

Central owns and operates Lake McConaughy and its hydroelectric and irrigation facilities. Central, the largest irrigation district in Nebraska, also holds the rights to the lake's water.

Central contends that the proliferation of wells in the North Platte River basin has depleted water running into the lake, which also is be-



KEN BLACKBIRD/Lincoln Journal Star file photo

Lake McConaughy shows a low water supply on June 4. The Nebraska Supreme Court will hear arguments March 3 in a case stemming from a 2004 decision by the Nebraska Department of Natural Resources against the Central Nebraska Public Power and Irrigation District.

ing sapped by drought and is at just 20 percent of capacity.

"Central's irrigators will receive less than half of the normal water supply for irrigation during the 2005 irrigating season," Klein said.

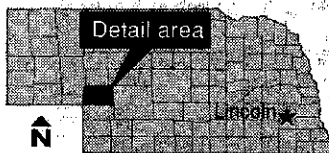
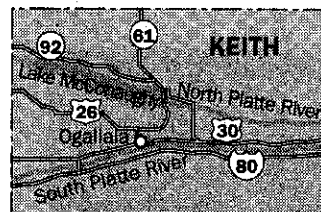
Central argues that the state constitution gives the DNR broad jurisdiction relating to "water rights for irrigation, power or other useful purposes."

While a series of state laws limits the DNR's legal authority over groundwater users, the constitution contains no such language, Klein argues.

Unless the DNR can control all water resources, Klein said, "reservoir storage, and all the users dependent upon it, is at grave risk."

He said that while lawmakers might have ignored the constitution in enacting water laws, "the Legislature's ignorance provides no excuses for the DNR to ignore the effect of ... diversions on stream flow."

Assistant Attorney General David Cookson argues that the con-



D. MATT VAN DRIEST/Lincoln Journal Star

stitution gives the DNR only the authority to regulate surface water. The state did not have the type or amount of groundwater irrigation that exists today when the language was added to the constitution around 1919, Cookson said.

"It is not for the department ... to create water policy in Nebraska," Cookson said. "It is the department's responsibility to implement

the laws that the Legislature enacts."

Klein said Central's case is similar to one decided in January in which the high court said a Panhandle ranch can sue irrigators for taking too much water from area streams.

In that case, the court said, "Nebraska water law ignores the hydrological fact that groundwater and surface water are inextricably linked."

"A proprietor of land ... who withdraws groundwater from the land and uses it for a beneficial purpose is not subject to liability for interference with the use of water of another, unless ... the withdrawal of the groundwater has a direct and substantial effect upon a water-course or lake and unreasonably causes harm to a person entitled to the use of its water," Judge William Connolly wrote. "Whether a groundwater user has unreasonably caused harm to a surface water user is decided on a case-by-case basis."



DNR director supports paying farmers to not irrigate land

Patterson says the incentive programs, along with a limit on irrigation, are the best way to meet water requirements.

BY NANCY HICKS
Lincoln Journal Star

Paying some farmers not to irrigate for a couple of years will be a lot cheaper in the long run than trying to turn off the irrigation spigot for everyone or defying the legal compact that requires Nebraska to use less water, according to Roger Patterson, director of the Nebraska Department of Natural Resources.

Simply reducing water consumption through regulation in the next few years in the Republican River Basin is not going to work, Patterson told the Legislature's Appropriations Committee on Tuesday. The economic impact would be too great, he said.

A University of Nebraska study indicated that cutting back irrigation to meet the compact requirements would have a \$32.5 million economic impact on the region, he pointed out.

So a combination of payments and a limit on irrigation is the solution, Patterson said.

The DNR is proposing two incentive programs that combine federal and state dollars. One that pays farmers not to irrigate for four years will be used with about 10,000 acres this year. The other one, still being negotiated with the federal government, would offer payments for taking irrigated land out of production for a decade.

Appropriation Committee members have questioned the need to spend about \$3 million a year in state tax dollars on the incentive programs and have not yet

agreed to provide the money in the agency's next two-year budget.

Landowners also are upset about the proposed irrigation restrictions that will be used to help reduce water use and live within a compact regulating water use in the Republican River basin, Patterson said. "This is hard stuff," he said.

Patterson defended the incentive programs during a public hearing on his agency's budget Tuesday.

The Department of Natural Resources is proposing a combination: The local natural resources districts would regulate water usage in regions affected by court cases, and the state would help pay people not to irrigate.

The Middle Republican Natural Resources District has already agreed to limit irrigators to 13 inches a year, which, combined with normal rainfall, should be enough to grow corn, said Dan Smith, executive director of the NRD. "That's probably going to work," he said.

The Lower Republican Natural Resources District will be holding a public hearing soon on a proposal to limit irrigators to 9 to 12 inches, Patterson said.

Doing nothing about water usage, and thus defying the court order, would also be costly, Patterson said. The state has already spent about \$35 million on two lawsuits over the Republican and Platte rivers. The state's share in programs that pay farmers not to irrigate or not to farm at all would be less than the cost of future litigation and fines that the state would face if Nebraska doesn't live within the agreements, Patterson said.

"We are not looking at a permanent incentive program," Patterson assured senators. In the Republican River Valley, the state can meet the long-term compact requirements through regulation but must use the incentive program temporarily to overcome the problems created by the ongoing drought, he said.

"We find ourselves in a bit of a

mess. But it is one that can be solved," Patterson said.

Committee members will not make final decisions on budget recommendations until mid-April. And some senators still had questions about this new practice of paying landowners not to use water.

"We have a better understanding about what is at stake," said Appropriations Committee Chairman Don Pederson of North Platte.

And senators will be waiting to see what action local natural resources districts take on irrigation regulations, he said.

"If they are not agreeable (to limiting water use), then there is no sense in us agreeing to be a party," he said.

Lincoln Sen. Chris Beutler said he is concerned about the precedent. The state has not traditionally felt it had an obligation to make up farm income that would be lost in a drought, he said.

Reach Nancy Hicks at 473-7250 or nhicks@journalstar.com.



Published Friday
February 25, 2005

Wells for three cities will be tested

BY NANCY GAARDER

WORLD-HERALD STAFF WRITER

As a reflection of the intensifying public unease over contamination in a Saunders County aquifer, the U.S. Department of Defense will test the drinking water wells of Lincoln, Ashland and Memphis, Neb., for explosives.

Jason Leibbert, an engineer for the department's Corps of Engineers, said Memphis will be tested in March. It is closest to the contamination. Tests of Lincoln and Ashland have yet to be scheduled.

Leibbert and spokesmen for Lincoln and Ashland said they do not expect the tests to uncover problems. That's because earlier tests have not yielded a problem.

A representative for Memphis could not be reached.

The upcoming tests are being done at the request of the public and the area's congressmen.

Jerry Obrist of Lincoln's water system said the city's monitoring wells have not indicated any problems.

A 20-square-mile pool of contamination exists in the aquifer upstream of the wells that serve Memphis, Ashland and Lincoln. Contamination includes explosives and solvents, most of which stems from a former munitions plant and missile site near Mead, Neb.

The site is included on the Superfund list of the nation's worst environmental problems, in part because the pollutants are traveling toward the municipal wells.

Wes Blecke, city administrator for Ashland, said the upcoming tests will help "put our minds at ease."

Leibbert said the Corps tests, at least once a year, more than 40 wells between the edge of the contamination and the cities' wellfields.

Those tests, Leibbert said, have not found anything that requires cleaning up. More than two miles, Leibbert said, separate the pollutants from the Memphis well field, and more than three miles separate them from the Ashland and Lincoln well fields. Groundwater moves about 700 feet per year in that area.

Dean Busing, a member of the Saunders County Board, said he is skeptical about the Corps' analysis. Tests taken late last year found some type of contaminant at every one of 37 residential wells outside of the pool of pollutants.

That's an indication, Busing believes, that the contamination is spreading. Those results, however, were not at levels requiring cleanup and a source has not been identified.

Area residents have become increasingly worried because problems continue to be found at the site and because the Metropolitan Utilities District of Omaha is building a large wellfield nearby. They fear MUD's pumping will accelerate the movement of the contamination.

About 100 people attended a meeting at Mead earlier this week to receive an update on the cleanup. A number wore buttons saying, "They Lie" because of a dispute with the Corps over testing last year.

The Corps' credibility is "in shreds," said Lynn Moorer, an attorney for the residents.

Mitch Frazier, a spokesman for the Corps, said these tests are part of an effort to be responsive to residents' concerns.

Contact the Omaha World-Herald [newsroom](#)

Local

Two subdivisions get nod from county board

By Keith Rydberg

Reporter

Whether it was the lure of a new rural water system, the proximity to the Omaha metropolitan area or a mere coincidence, plans are underway to develop two new subdivisions along County Road P32.

General development plans for subdivisions developed by McGowan Properties and Mark and Vicki Newstrom were approved by the Washington County Planning Commission and Board of Supervisors earlier this month.

The approval of the general development plans is the first in a series of three stages that must be approved on each subdivision before construction can begin. The next step for each developer will be to apply for preliminary plat approval and, ultimately, final plat approval.

The subdivision proposed by Mitch McGowan on behalf of McGowan Properties, scheduled to be called Clearwater Creek, would consist of 22 two-acre lots and six five-acre lots located west of 7618 County

Road P32 on the north side of the road. The five-acre lots would not be developed immediately and are being kept in reserve and undeveloped until such time when demand may make developing the lots profitable. As proposed by McGowan, the lots would have underground electrical service with suggested house sizes of 2,300 square feet for a ranch house and 2,800 square feet for a two-story house.

If the preliminary and final plats are approved by the Washington County Board of Supervisors and the county board, McGowan told the commission he plans to begin developing the two-acre lots immediately. Because of the conditions established in the second set of interim regulations, developers are required to have their lots hooked up to the rural water system that is currently being developed between Blair and Fort Calhoun.

Also, because County Road P32 is a hard-surfaced road, the streets leading to the two-acre lots in Clearwater Creek must be hard-surfaced as well. Even with the stricter regula-

tions, however, McGowan said the revisions are fair and that he planned to start addressing the conditions Friday in order to be placed on the planning commission's agenda for preliminary plat approval in April.

"I don't think the rules are really out of line," McGowan said. "At least now, we have a set of rules that lets developers like me know what we can and cannot do. Frankly, the rules have eliminated a lot of gray areas that existed in the past."

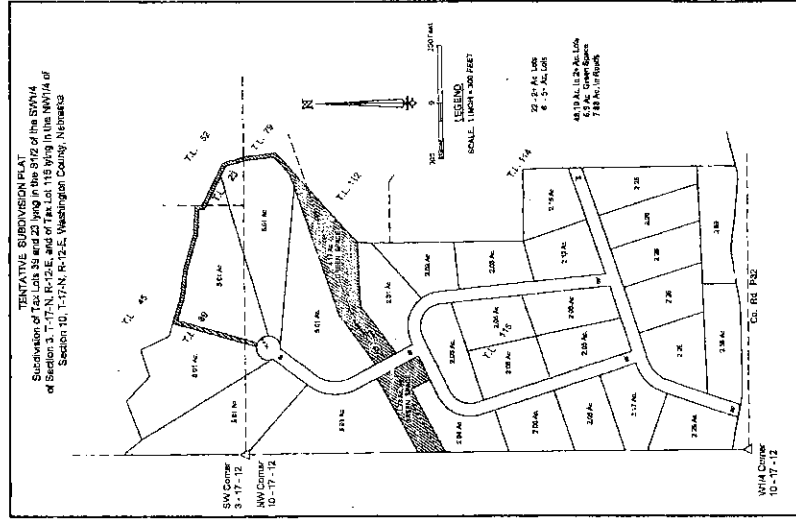
The second subdivision, which will be known as Richland Estates, is being developed by Mark and Vicki Newstrom of rural Blair with the five residential lots of five acres each located east and north of 12118 County Road 32. Mark Newstrom said while Richland Estates is the first attempt he and his wife have made at developing a subdivision, they chose to purchase the 33 acres of land in an effort to have some say over who will be living next to them.

"I can look down on the land from my living room

and I wanted it to be developed this way rather than having a bunch of prefabricated houses on two-acre lots," Newstrom said.

Because the Newstroms are new to the housing development business, Mark Newstrom said they have had to quickly learn about county regulations for development. Like McGowan, the Newstroms have paid for grading and rural water expenses as part of their proposal while also meeting with surveyors and engineers to discuss traffic and possible drainage issues in Richland Estates. Even so, Newstrom said he is confident construction work will begin this spring with the lots developed based on demand.

"Requiring NRD water is almost a bonus for us because we have so much water problems out here with our private wells," Newstrom said. "I know I have to run our water softer every night. When our well was dug, it cost us \$7,500. The approximate price to hook up a lot to NRD water is about \$3,500, so it is a no-brainer as far as I'm concerned."



Clearwater Creek could be one of Washington County's newest subdivisions. The site is located south of Blair and west of Fort Calhoun off County Road P32 (the Kennard cutoff).

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Wells vs. streams

Next week, the Nebraska Supreme Court will hear arguments on a question with long-term implications for the state. At issue: Should underground irrigation water that is hydrologically connected to Nebraska rivers be controlled by the same water-rights allocation system as surface water?

Second, should the State Department of Natural Resources be required to integrate underground water wells into the "prior appropriation" system of senior and junior water rights that now exists?

That would mean, for instance, that newer wells could be shut off if downstream surface-water irrigators weren't getting their allotted quota. If the Central Nebraska Public Power and Irrigation District prevails and the high court orders DNR to do that, the implications for water management in Nebraska would be profound.

Central filed the suit in part because, due to drought and what Central says is unregulated upstream irrigation, Lake McConaughy is down to about 20 percent of its historic water level. This means less irrigation water for the 112,000 acres irrigated by Central members.

Central's petition to the courts contends that "perhaps as much as" 100,000 acre-feet of water a year are prevented from reaching McConaughy because some 2,200 unregulated irrigation wells operate upstream from the lake.

Central further contends that DNR has the authority to regulate the taking of that underground water under the state constitution. State statutes and the Legislature, the petition argues, have violated the constitution by splitting the regulation of surface water and groundwater between the DNR and the state's Natural Resources Districts.

Central relies on a broad definition of the constitution's reference to "natural streams" to make that argument, a definition that includes not only the actual water in the stream but also water that, if allowed, would flow into the stream from underground sources.

In its answer, DNR leans on a narrow definition of "natural streams," referring to the traditional meaning of water flowing in a watercourse. The state agency contends that it is forbidden from regulating groundwater by several state statutes, which give it authority to manage surface water only.

The Nebraska Groundwater Management Coalition has filed an argument favoring the DNR's position; several other parties, including Nebraska Water Users Inc. and surface

**High court
will decide if
groundwater
must be
regulated like
surface water
by State DNR.**

irrigators, strongly support Central.

One argument contends that it is unfair when some surface-water users above Kingsley Dam have their water cut off to benefit surface water users 200 miles downstream even as upstream groundwater pumpers with newer wells are permitted to continue irrigating.

When the state constitution was written, the intimate interrelationship between surface water and groundwater was not understood. The State Supreme Court will have to decide whether new science should be included in the interpretation of old law.

The U.S. Supreme Court has agreed that it should; for example in the recently settled Kansas lawsuit charging Nebraska with keeping more Republican River water via groundwater pumping than it was entitled to.

If Natural Resources prevails, its activities and state water law could remain much as they are now. Central has warned, however, that additional lawsuits probably would result, with surface irrigators suing groundwater irrigators for taking water that surface irrigators have rights to. The State Supreme Court ruled in January that the Spear T Ranch could sue groundwater irrigators, who, it claims, dried up Pumpkin Creek.

If Central's argument should prevail, the regulation of water in the state would be shaken up. Natural Resources would have to integrate groundwater irrigators into the water allocation system.

Many, perhaps most, of these irrigators could find themselves with water rights junior to many surface-water irrigators. Thus, when water ran short, as during the current drought, their pumps could be turned off in favor of downstream surface-water irrigators.

That could generate something akin to the prelude of an old-fashioned water war, though fought with words and legislation rather than guns and ropes.

Scientifically, it is indisputable that some groundwater wells do connect hydrologically with surface-water streams. Tapping one supply will inevitably reduce the other unless the water is returned to the system.

The high court's challenge will be to decide whether that fact is enough, combined with the constitution's words on "natural streams," to require that underground water as well as surface water be regulated by the DNR.

That decision could echo loudly into Nebraska's future.



Published Sunday
February 27, 2005

Fight for water rights on tap

BY DAVID HENDEE

WORLD-HERALD BUREAU

LINCOLN - The Nebraska Supreme Court wades into the middle of a water conflict again this week when it hears arguments in a dispute involving regulation of the state's groundwater and surface water.

At issue is a contention by the state's largest irrigation district that a proliferation of irrigation wells in the North Platte River basin is depleting river water flowing to Lake McConaughy.

The drought-stricken reservoir - the state's largest - fell to a historic low of 20 percent of capacity last summer.

Central Nebraska Public Power and Irrigation District says the Nebraska Department of Natural Resources should regulate groundwater to protect the district's surface-water rights. The department says the Legislature has not given it jurisdiction over underground water.

Water in Nebraska streams and rivers is controlled by the department, which sets allocations for irrigators who pump from waterways. Groundwater pumpers are controlled by local natural resources districts.

Central will argue that surface-water rights are property rights protected by the Nebraska Constitution, said spokesman Tim Anderson. Central owns and operates Lake McConaughy and its hydroelectric and irrigation facilities. It owns the rights to most of the water held in the reservoir.

"The constitution clearly says that when a property right is taken, there must be compensation," Anderson said. "We're not asking for money. We just want water to be put back in the river."

Anderson said irrigators can do that because the underground gravel formations from which farmers pump water for crops are hydrologically connected to water in the river.

David Cookson, an assistant attorney general who will argue for the department, said the department doesn't disagree that some groundwater wells are hydrologically connected to surface-water flows. It also doesn't deny that hydrologically connected groundwater wells can deplete stream flows.

"The department is simply stating that (it) does not have jurisdiction or authority . . . to regulate hydrologically connected groundwater wells for the benefit of surface-water appropriators," the Attorney General's Office wrote in briefs submitted in the case.

Cookson said the agency can only enforce laws adopted by the Legislature, not provisions in the State Constitution. "We say the Department of Natural Resources only has the authority to do what the Legislature says it can do," he said.

It is not for the department or the courts to create water policy in Nebraska, the attorney general's brief said.

The case is similar to one last month, when the Supreme Court said that the Spear T Ranch in western Nebraska could sue neighboring irrigators for taking too much water from a stream.

David Aiken, a water-law specialist at the University of Nebraska-Lincoln, said Central faces an uphill fight to convince the high court of its claim because the legal link between groundwater and surface water is cloudy.

"The main thing they need to do is to persuade the Supreme Court that groundwater that flows to a stream is part of the stream," Aiken said. "That's a step the court seemed unwilling to take in the Spear T case."

Aiken said it is difficult for the court to look at the issue in the abstract. There is no evidence passed up by a trial court.

"In the absence of that kind of specific data, it's really hard for the court to make a decision that could have profound affects," he said.

Tom Schwarz, a Bertrand, Neb., farmer and irrigator who supports Central's case, said all Nebraskans should be concerned.

"We have overdeveloped our water resource in much of the western part of the state, and we still really haven't grappled with dealing with all of the problems we'll have in the future," he said. "If any Nebraskan likes dry rivers and empty lakes, they need do nothing, because we are well on our way down that path."

Steven Smith, a Scottsbluff attorney, said the constitutional protections of surface-water appropriators are at stake.

"We're looking at a situation where the state has basically allowed groundwater development in certain areas to go on unregulated until it got to the point it's not sustainable," he said.

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The Nebraska way

Nebraska is fortunate to have a political culture that places an emphasis on practicality and temperate decisions. It is in that spirit that State Sen. Patrick Bourne of Omaha has introduced a proposal, Legislative Bill 731, that would set sensible parameters for state environmental regulators.

The bill comes in response to a decision by the state Environmental Quality Council to impose a variety of air-pollution standards higher than those set by federal regulators.

It is a serious step when state regulators, acting without input from elected lawmakers, decide to ratchet up environmental restrictions above federal thresholds. It is no surprise that the move raised a red flag among Bourne and other state senators who appropriately caution that unelected regulators must not overstep their proper jurisdiction.

This is part of a larger debate in the Legislature this session over the proper boundaries between state senators' authority to make laws and the bureaucracy's authority to set rules.

LB 731 would provide a needed corrective to the environmental council's action.

The bill doesn't prohibit the council from imposing regulations that are harsher than federal ones. But it does require that such rules not take effect unless the council first sees that certain requirements are met.

The council would need to explain clearly that the rules exceed federal ones. It would need to provide elaboration on why a higher standard is necessary and specify that technology is actually available to carry out the rule. The council also would have to provide an analysis of the financial impact on affected parties.

Critics of Bourne's bill raise several arguments that deserve response. During a committee hearing, it was claimed that the measure "would take from Nebraskans the right to control the setting of public policy regarding environmental quality and public health."

That is incorrect. LB 731 does nothing to erode Nebraska's fundamental right to determine its environmental policy.

The bill does, however, announce

**Lawmakers right
 to encourage
 balanced plan
 to environmental
 regulation.**

to Nebraska regulators and environmental activists — loudly and properly — that ratcheting the state's regulations above federal levels is a very serious action that should not be insulated from supervision by the Legislature, an elected, deliberative body.

LB 731, in other words, is simply Nebraska common sense.

Bourne's call for a financial impact statement has drawn particular fire from environmentalist critics. One opponent told a legislative committee, "It is simply unfair to the public's interest to suggest that the financial concerns of a polluter have any relevance to protecting public health."

On the contrary, society has a fundamental interest in seeing that government exercises prudence in balancing necessary environmental regulation against the financial costs on industry and utilities. Indeed, this is especially the case in Nebraska, where electrical utilities are publicly owned.

Just last Friday, the cost to industry from environmental regulation was the main point of discussion when the Legislature debated — and advanced from first reading — a bill that would revamp the annual emission fees for coal-fired, power-generating plants.

A sensible desire to keep air-pollution regulations from weighing too heavily on industry was precisely why the U.S. Senate, spurred by Sen. Chuck Hagel of Nebraska, voted 95-0 in 1997 against adopting the carbon-emission restrictions under the Kyoto Accord.

Far from being a simple and pain-free situation, the choices that society faces on environmental regulation are difficult, complex and costly.

It is all the more reason, then, for Nebraska's elected lawmakers to underscore the need for environmental policy to be governed by prudence and a sense of proportion rather than special-interest absolutism.

That is what Bourne's bill encourages, and why it is commendably consistent with Nebraska's political tradition of moderation and balance.

Both sides of LB552 should be considered

Pilot Tribune 3-1-05

On Thursday, February 24, the Natural Resources Committee of the Legislature had a public hearing on LB 552. This bill would allow the Papio-Missouri Natural Resources District (NRD) to incur debt and is-



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•
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Mines

sue bonds and warrants to provide for money to acquire land and build 10 dams and reservoirs in Washington and Douglas counties.

The NRD is concerned about flood control due in part to the rapid urban expansion of the city of Omaha. They also told me additional skiing lakes and recreational areas are important to the residents of their district.

To repay the debt on these bonds and warrants, this bill would allow the NRD to increase their levy authority on your property by \$3.00 per \$10,000 of property value. The money raised from this levy would

be placed in a separate fund specifically allotted for these dams and reservoirs. If LB 552 becomes law, a simple majority vote by the board of directors of the NRD would approve of such bonds.

The bill also gives the NRD the ability to partner with landowners, developers and other collaborators in cost-share arrangements for the projects. This is called a public-private partnership. The NRD proposes to buy the land for the reservoirs from willing sellers or through condemnation. They will then form an association with developers who purchase the land around the lake, typically for housing.

This is an aggressive plan that affects the lives of many landowners in Washington and Douglas County and I am interested and involved in the process to insure that both sides of this issue are served by the laws of Nebraska.

SEN. MICK MINES represents District 18, including Blair and Fort Calhoun, in the Nebraska Legislature

Blair, NE

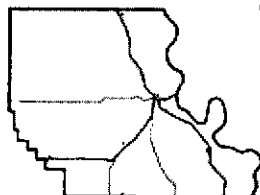
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County residents pack hearing to oppose bill on NRD bonding

By **Keith Rydberg**
Reporter

Members of the Papio Valley Preservation Association, landowners and concerned residents of Washington and Douglas counties addressed the Natural Resources Committee about a bill that could indirectly affect the status of a controversial dam proposal in Washington County.

LB 552, which was introduced by Dist. 38 Sen. Ed Schrock and Dist. 20 Sen. Jim Jensen, seeks to give natural resource districts bonding authority, which would be payable from an annual tax levy that could not exceed 3 cents on \$100 of taxable valuation. Proceeds from the bonds would be used to pay right-of-way acquisition and construction costs for flood control dams and reservoir projects within the district. Also, the bill would give natural resource districts the authority to enter into cost-sharing agreements between individual landowners and developers.

Approximately 150 people attended the Thursday, Feb. 24 legislative hearing with the Natural Resources Committee with 40 people riding a chartered bus that was paid for by the Papio Valley Preservation Association. The group is fighting the proposed construction of two dams in the county, which would create a 1,900-acre lake between the villages of Kennard and Washington.

A flier written by the association states that the association's members are opposed to LB 552 because, if given bonding authority, natural resource districts would have the authority to increase property taxes above current state limitation in order to pay for the bonds. The bill would allow districts to levy an additional 3 cents per \$100 valuation and would also allow districts to enter into cost-sharing agreements with owners and developers.

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The hearing began with a statement from Steve Oltmans, general manager of the Papio-Missouri Natural Resources District. Oltmans said he and the district's board of directors are hopeful the bill will pass because the bonding authority would allow for timely financing of various public/private partnership opportunities. While LB 552 would give the district the authority to increase its tax levy, Oltmans said this would be done in order for the district to retire its bonds for the reservoirs quicker, which would result in the reservoirs being completed earlier.

"The watershed is continuing to experience a conversion of farmland to urban concrete and rooftops at a rate of more than 2,000 acres per year since the early 1980s," Oltmans said. "Without more reservoirs to store floodwater, little, if any more, channel improvements can be achieved."

Oltmans said reservoirs and flood control dams are one of four methods used by the district to monitor the Papillion Creek Watershed. While the district also uses methods such as requesting county and city governments to enforce zoning along floodplains, buying out properties on a voluntary basis, channelization and levees, Oltmans said the reservoirs and dams are the best option for the district.

"In almost all cases of watershed modeling, reservoirs will provide the greatest return in capital costs, particularly if they become multipurpose by providing open greenspace and public recreation benefits," Oltmans said.

One of the ways the district is looking to be cost-effective in its construction of flood control dams and reservoirs is by entering into partnerships with various development companies. By sharing the cost of the flood control portion of the project with the development company, Oltmans said the cost of taxpayers in a district averages 25 to 50 percent less than if the project would be built entirely with public funds.

In order to capitalize on the public and private opportunities that are available, Oltmans said the district needs the bonding authority to raise taxes so that enough money can be generated to share the cost of projects with developers. Noting the Papio-Missouri River NRD board raised the fiscal year 2005 tax levy from 3.1 cents to 4.1 cents per \$100 valuation to address some of these opportunities, Oltmans said the district is currently at its maximum taxing authority, which is simply not enough.

"That is why you see the bill that is in front of you today," Oltmans said. "Through tax levies, we can't raise the kinds of dollars we need. We think we have found a way to do this and we need the bonding authority."

Among the opponents of the bill who addressed the committee was former Sen. Curt Bromm, who now serves as a lobbyist for the Papio Valley Preservation Association. Noting there are approximately 400 landowners who will be affected by the dams and the resulting lake, Bromm said landowners who would not be directly affected by the lake itself would be affected by the increased tax levy that could occur with the passage of the bill.

"I don't think this is a 'pie in the sky' thing," Bromm said. "I think this will happen. I don't believe it is necessary to have that bonding authority in order to accomplish the primary objective of the NRD. I know the needs are great and the projects are expensive, but, for the landowners who pay a great amount of tax, that is just too much."

Bromm said he is also concerned about the "extremely bad precedent" of giving a public entity the authority to raise taxes and said great care must be

taken by the Legislature to determine what the benefits of passing the bill would be for the district.

"I would hate to get away from us having this policy throughout Nebraska," Bromm said. "I think if this was proposed to be done with all NRD's having bonding authority, we would not have sufficient room for this hearing."

Gary Lambert, who lives near the Newport Landing dam site and lake in Douglas County, said he thought the bill was too vague and would cause a "dictatorship through democracy" by allowing the district to take land through eminent domain. Lambert said he would also like to see some type of a border placed around the lake if and when it is created and noted he already has to pick up trash left behind by boaters from the Newport Landing site.

The last person to speak at the hearing was Jeff Quist, a member of the Washington County Board of Supervisors. Quist said he was concerned the bill's passage will allow the district to double the percentage of its raise of the current tax levy and commented many Washington County residents have difficulty paying taxes as they currently stand.

"I'm just wondering if we're getting a large bonding authority," Quist said.

Quist also mentioned several concerns the county had regarding the lake including the possibility of increased maintenance of county roads because of people traveling to and from the lake and the possibility of additional law enforcement patrols because of the increased traffic.

After Quist's testimony, Dist. 38 Sen. Ed Schrock said the Natural Resources Committee had also received letters of opposition from the Nebraska Bankers Association, the Nebraska Farm Bureau and from David Mooter.

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Bellevue council OKs housing, park plans

3/1/05
BY SHANNON HENSON

WORLD-HERALD STAFF WRITER

The Bellevue City Council paved the way Monday for about 730 new homes and the development of a riverfront park for its new and old residents to enjoy.

They gave preliminary or final approval to three housing developments that would put about 600 of those homes on the southern edge of Bellevue.

The Orchard Valley and Hyda Hills developments, which received preliminary approval, would add homes north of Platteview Road.

The council gave final approval to nearby Williamsburg, west of the Kennedy Freeway near the Tregaron housing area.

A controversial development in another part of the city won a zoning change Monday after a compromise between the developer and neighbors.

Neighbors have been opposed to Brookside, a 130-lot development at 25th Street and Cornhusker Road. It will be next to the already-approved 190-home Brook Park.

The two developments originally were one, but they were separated and the number of lots lowered a bit after Celebrity Homes failed to win approval.

Neighbors had signed a petition against Brookside, meaning Celebrity would need eight votes instead of a simple majority to win a zoning change from the council.

So Celebrity worked with neighbors and made a number of compromises — including an increase in a number of the lot sizes and buffering the homes on 25th Street with a 6-foot fence and an evergreen screen.

The neighbors, in turn, withdrew their petition, and the rezoning passed unanimously. The council delayed voting on Brookside's preliminary plat until its next meeting.

X In other business, the council also unanimously agreed to match \$1.25 million the Papio-Missouri Natural Resources District is offering to develop a riverfront park that city leaders have long dreamed of.

Bellevue is planning to put a Frisbee golf course, a concert site and a water playground at the 101 acres where the Kramer Power Plant once stood.

The park will join the 155 acres at Haworth Park, giving Bellevue a sizable park right on the river — unusual in an urban area, said Steve Oltmans, the resources district's general manager.

The district board must still approve the contribution.

The council also voted to study the wastewater treatment plant, which is on the former Kramer site. The city would consider using Omaha's Papillion Creek Waste Water Treatment Plant east of La Platte.

Riverfront park takes first steps to reality

City to work with NRD on proposal

By **ZACHARY BAEHR**
Leader managing editor 3-2-05

Dip your toes in the Missouri River, catch a late ballgame or concert or spend the night camping.

It's part of the Haworth Park North Land Use Plan the Bellevue City Council authorized the mayor to pursue at Monday night's meeting through an inter-local agreement with the Papio-Missouri River-NRD for Bellevue Riverfront Development.

"With the bridge tied into it as a destination, you can camp, you can fish, you can boat, you can play sports," Mayor Jerry Ryan said. "Eventually we are looking at a community center of some sorts."

Other items included on a tentative and flexible draft included an 11-acre community festival and concert site, extending trail to 2-mile length, a nine-hole disc golf course, nature area, and picnic and outdoor water playground.

Funds come by way of \$1.25 million from the city, the same amount from the NRD and \$400,000 from environmental groups.

In a related matter, the council also authorized Ryan to sign an agreement studying the Wastewater Treatment Plant. The study will determine the feasibility of tearing down the existing plant to allow more recreational room for Haworth Park North.

- See COUNCIL, Page 7

Council

- Continued from Page 1

In other council matters:

- Members reversed their course and approved a bid for a new rescue squad vehicle. After a 4-4 vote left the council deadlocked at its last meeting, the members voted 8-1 to approve the bid on Monday.

"We are going to get there," said Bellevue Fire Chief Dale Tedder in response to questions about the need for 10 ambulances in the fleet.

"I'm trying to bring the city of Bellevue the best they deserve."

- The council approved second readings for three properties, Orchard Valley and Hyda Hills near 25th Street and Schneekloth Road, and Williamsburg near Fairview Road and Kennedy Freeway.

- Brookside, a 139-lot residential development near 25th Street and Hogantown Drive, received approval for rezoning pending the passing of the preliminary plat at the March 14 council meeting.

- Toby Churchill of the Sarpy County Economic Development Corp. said a strong housing climate is leading the way for a soaring economy. He reported the county is on pace for another record-setting year in sales tax.

Planning Commission OKs creek plan

3-3-05
BY MATT OLBERTING
Lincoln Journal Star

Cost was the main concern of both supporters and opponents who attended a public hearing Wednesday on whether to adopt the Stevens Creek Watershed Master Plan.

Officials from the city and the Lower Platte South Natural Resources District presented the plan, which addresses flood and water quality issues in a 55-square-mile area east of Lincoln, to the Lincoln-Lancaster County Planning Commission.

Barb Bauer said, with the city having trouble meeting existing needs and also having a wish list that includes a new arena and Antelope Valley redevelopment, now is not the time to be spending more money.

"All these grandiose plans, and the city is broke," Bauer said, "and now you folks want to open up 55 square miles for development?"

Rick Krueger, a local developer, said the plan's recommendation that sediment forebays be added to detention pond facilities would effectively double the amount of land needed for those facilities.

The forebays are part of the plan's "site-specific best management practices."

Krueger also questioned the forebays' cost estimate of \$210 per acre of drainage, of which the developer would be responsible for a little more than half.

"It's wildly understating the ac-

tual cost," Krueger said.

Peter Katt, an attorney who represents some developers, said most of the problems already afflicting the area were caused by farmers, but the plan doesn't address agriculture, only urban development.

"That's a huge hole in this study," Katt said.

He also questioned whether it's fair to make new development pay its own costs for stormwater control when tax money is used to do that in existing neighborhoods.

"If we really want these standards in our community," Katt said, "everyone should pay, not just new development."

Russell Miller of the Lincoln Neighborhood Alliance said the problems in existing neighborhoods is one of the main reasons the Stevens Creek plan is needed.

Miller pointed to a 14-block area around Dead Man's Run that was developed in the 1960s and '70s. It was later declared to be in a floodplain, requiring property owners to get flood insurance. That resulted in thousands of dollars leaving the city in the form of flood insurance premiums.

Foster Collins came armed with pictures of various streams around the city that have become eroded because of runoff.

One area he showed was a drainage area in the relatively new Vavrina Meadows neighborhood in south Lincoln. Collins said the developer had to come back in and

regrade the area at a cost of \$100,000.

Such examples, Collins said, show that the best management practices called for in the Stevens Creek plan will be cost-effective "by not calling for corrective action after erosion has taken place."

City officials defended the Stevens Creek plan, saying it is a good compromise between the need for developable land and the need to protect development from floods and maintain water quality. They also pointed out that other Midwestern cities, such as Kansas City and St. Louis, are instituting similar policies.

In the end, the Planning Commission agreed, voting 9-0 to recommend amending the Comprehensive Plan to include the Stevens Creek plan. It now needs approval from the City Council, the County Board and the NRD.

Several commissioners praised the plan and the work done by the many people who helped formulate it.

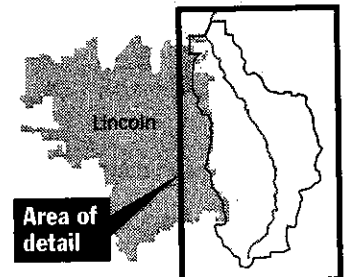
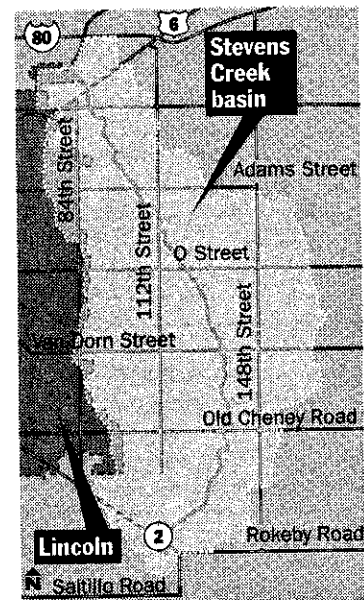
While she at first had concerns about the plan, Chairwoman Mary Bills-Strand said: "I am going to support it, because we need to be out in front of development."

Commissioner Tommy Taylor was a little more effusive in his praise.

"It's a fantastic plan," he said.

Reach Matt Olberding at 473-2647 or molberding@journalstar.com.

Stevens Creek



Source: City of Lincoln
MATT VAN DRIEST/Lincoln Journal Star



Published Friday
March 4, 2005

Court is asked to look deeper on water rights

BY DAVID HENDEE

WORLD-HERALD BUREAU

RELATED STORY

LINCOLN - The Old West doctrine of divvying water in a stream based on who has the senior claim should apply to underground water, the Nebraska Supreme Court was told Thursday in a case that could change the way the state regulates water.

... » Panel seeks to plug
holes in water law

"Groundwater and surface water are one resource," said Michael Klein of Holdrege, arguing for the irrigation district that owns and manages the shrunken Lake McConaughy in western Nebraska.

David Cookson, an assistant attorney general representing the Nebraska Department of Natural Resources, countered: "This court has repeatedly recognized that streamflows are regulated by the Department of Natural Resources and groundwater by Natural Resources Districts."

In their comments and questions from the bench, the judges appeared to be grappling with the definition of "streamflow" as it applies to surface water and groundwater.

Central Nebraska Public Power and Irrigation District contends that as much as 100,000 acre-feet of water a year are prevented from reaching Lake McConaughy because about 2,200 unregulated irrigation wells operate along the North Platte River upstream from the reservoir.

McConaughy is in dire condition after five years of drought-reduced inflows. The reservoir stores water for use on 112,000 acres of cropland in south-central Nebraska and is a major recreation attraction.

Central also says that the Department of Natural Resources has constitutional authority to regulate wells that draw water from underground sources, not just water flowing on the surface. The department says that state laws give it authority to manage surface water only.

The hearing was the high court's second confrontation in six weeks with groundwater and surface water issues. In a January ruling, the court said that a rancher whose stream has dried up can sue neighboring groundwater irrigators for allegedly causing the harm.

During his arguments, Klein said Nebraska has developed a "separate but equal" system of managing water. He said that has come about because Nebraska allows two separate entities to regulate water use - and the entities use differing criteria.

"Our constitution doesn't permit that," Klein said.

In a later interview, Klein said the Nebraska Constitution says the state's water is to be divided by the prior appropriation system - also known as the "first in time, first in right" method - in which the oldest claim filed prevails in time of shortage.

That is the standard used by the Department of Natural Resources for surface water. But the NRDs use a system of sharing available water among all users for groundwater.

"Simply because the Legislature has chosen to define 'stream' in a certain way or 'groundwater' in a certain way," Klein said, "doesn't necessarily mean that the court shouldn't recognize the relationship between the two and ensure that the constitutional provision of prior appropriation is protected."

Cookson said the Department of Natural Resources can do only what the Legislature authorizes it to do. Even if it could apply the prior appropriation doctrine to groundwater, he said, it wouldn't work.

"The physics of it just doesn't work," he said later. "You can't just shut off a well and get a corresponding amount of water in a stream. . . . That groundwater well's use might not hit the stream . . . for six months, nine months or even three years. It could be a hundred years."

Cookson also said that because of recent legislative changes, Nebraska no longer has distinctly separate systems of regulating water. He said that the new state water law, approved last year as Legislative Bill 962, requires that groundwater and surface water be managed under a joint plan in areas of shortage to achieve a sustainable balance between supply and use.

Chief Justice John Hendry asked Cookson if LB 962 offers an adequate remedy to the dispute.

"We believe it does," Cookson replied.

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