

MEMORANDUM

TO THE BOARD:

SUBJECT: General Manager Report

DATE: March 3, 2006

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, 2006, is attached for your review.

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. **Jerry Herbster**, Park Superintendent received a Volunteer Recognition Award from the Partners for Child Safety, which consists of the Omaha Safety Council, Children's Hospital and Kohl's, for his work on CycleFest. A copy of the award is attached.
2. The National Science Teachers Association has chosen **Rick Kolowski**, principal of Millard West High School, for the Exemplary High School Science Principal Award. Only one middle and high school are chosen each year, based on exemplary science teaching skills.
3. Thank You's:
 - a. Attached is a letter from Pam Osterman, Committee Chairperson, Pack 234, thanking the District for allowing Cub Scout Pack 234 to use the Natural Resources Center for their Blue and Gold Banquet on February 12th.
 - b. Attached is a letter from Steven Tonn, Extension Educator, Omaha Metro Area Lakes, thanking the GM for serving as emcee for the "Building for the Future – Erosion and Sediment Control Seminar IV," held on February 8th.

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, 2006. 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 13, 2006. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

- E. **REPORT ON PAPILLION CREEK WATERSHED PARTNERSHIP:** A presentation on the Papillion Creek Watershed Partnership will be given at the March 9th Board meeting.
- F. **REPORT ON COLE CREEK FLOOD MITIGATION PROJECT COSTS:** Attached is a spreadsheet that details expenditures for the Cole Creek Flood Mitigation Project as of February 10, 2006. The Cole Creek Flood Mitigation Project is a joint project of the District and the City of Omaha to purchase flood prone properties along Cole Creek on a voluntary basis. The Board received a briefing on this project at the January 12, 2006 Board of Directors meeting.
- G. **NEWS CLIPS:**
- ❖ February 3, 2006 Omaha World Herald Public Pulse Letters regarding Republican River Issues:
 - NRD is doing its part, written by Mike Clements, GM, Lower Republican NRD
 - They are responsible, written by James W. Brown
 - ❖ February 3, 2006, Omaha World Herald Article – Panel’s water talk doesn’t include lake.
 - ❖ February 6, 2006, Omaha World Herald Editorial – Qualifications vital. New DNR head will need to make wise choices based on facts and science, not politics.
 - ❖ February 7, 2006, Lincoln Journal Star Article – Water case back before state Supreme Court. Court today will hear irrigation district’s appeal in Super T Ranch case.
 - ❖ February 8, 2006, Omaha World Herald Article - \$1 million for lake in W. Omaha withheld.
 - ❖ February 8, 2006, Omaha World Herald Article – Lawmakers fret about the future. A huge lake may not be the answer, but Nebraska’s economy must grow, state senators say.
 - ❖ February 10, 2006, Omaha World Herald Midland Voices – DNR head needn’t be professional engineer, written by State Senator Bob Kremer.
 - ❖ February 12, 2006, Lincoln Journal Star Article – Platte pact will be focus of water policy meeting.
 - ❖ February 12, 2006, Omaha World Herald Editorial regarding Boyer Chute National Wildlife Refuge.
 - ❖ February 15, 2006, Omaha World Herald Article – Sarpy board says no to 2 rezonings. Residents express environmental concerns about the housing proposals.
 - ❖ February 15, 2006, Lincoln Journal Star Article – Republican River basin NRDs want water from Platte.
 - ❖ February 15, 2006, Blair Pilot Tribune Article – NRD donates 700 acres to Boyer Chute.
 - ❖ February 17, 2006, Omaha World Herald Article – Lake study findings ready in one year.
 - ❖ February 21, 2006, Blair Pilot Tribune Article – LaMere: NRD stacks deck. Activist says proposed dam sites may contain Indian burial grounds.
 - ❖ February 21, 2006, Omaha World Herald Midlands Voices – Lets go for the green on Platte River plan, written by Dave Sands, Executive Director of the Nebraska Land Trust
 - ❖ February 23, 2006, Omaha World Herald Article – Landowners to vote on deal to provide water for Kansas.
 - ❖ February 24, 2006, Blair Enterprise Article – ‘Cultural resources’ considered. Impact on cultural resources part of planning process.
 - ❖ February 25, 2006, Omaha World Herald Article – City willing to pay for bridge ideas. Giving \$75,000 to losing bidders for the pedestrian span is proposed.
 - ❖ February 28, 2006, Blair Pilot Tribune Article – Dam would keep Kennard dry.

- ❖ February 28, 2006, Douglas County Post Gazette Article – Final ‘Watershed by Design’ public forum set for March 2.
- ❖ February 28, 2006, Douglas County Post Gazette Letter to the Editor – Developer fills pockets at taxpayers’ expense, written by Tim Dreessen
- ❖ March 1, 2006, Bellevue Leader Article – New FEMA maps get builders all wet.
- ❖ March 1, 2006, Omaha World Herald Article – Stipends OK’s for failed bridge bidders. The City Council approves \$75,000 payments aimed at ensuring high-quality proposals for the pedestrian span.
- ❖ March 1, 2006, Omaha World Herald Article – Corps set to scrap plans for rise on Missouri River. Upstream reservoirs aren’t full enough to carry out the March 1 release, which would benefit the pallid sturgeon.
- ❖ March 1, 2006, Omaha World Herald Editorial – Secret loopholes. Open-meetings law in Nebraska would remain quite permissive even if senators approve LB 898.
- ❖ March 1, 2006, Lincoln Journal Star Article – State Environmental Trust Fund will take a lesser hit.
- ❖ March 1, 2006, Lincoln Journal Star Article – Committee puts pressure on senators to discuss water fee.
- ❖ March 3, 2006, Omaha World Herald Article – Bellevue’s dream park draws from wish list. Dirt needed for project will allow for lake.
- ❖ March 3, 2006, Omaha World Herald Article – NRD in southeastern Nebraska debates ban on new well drilling. The other 13 NRDs that have adopted moratoriums are all west of York.

February 2006

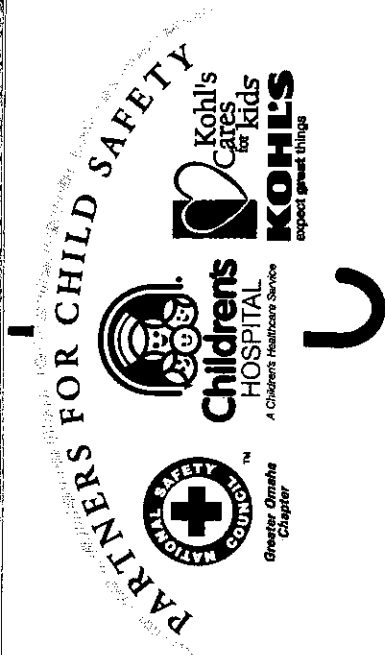
Information & Education Report

Information

- ◇ Attended NACD meeting in Houston
- ◇ Received proposals from taxidermists for mounts for wildlife dioramas
- ◇ Prepared for the Omaha Boat Sports and Travel Show displays
- ◇ Continued supplying materials for NRD pages/stories on KETV.com Begins March 13th.
- ◇ Published Winter 2006 Spectrum
- ◇ Continued work on interactive exhibit for Visitors Center
- ◇ Designed and ordered signs for West Branch debris control effort with Papillion Fire Dept.

Education

- ☐ Continued to plan Spring NRD programming
- ☐ Continued working with Nebraska Pheasants Forever, LEP volunteers, and location sponsors on Leopold Education Project workshops for 2006
- ☐ Continued promotion of NRD outdoor classroom grants
- ☐ Attended Water Works 2006 Planning Meetings
 - Planned for registration transfer in 2006
 - Selected Schools to attend in 2006
- ☐ Continued working with LPRCA Outreach & Education Committee on PSA's and Kiosks
- ☐ Presented to Environmental Studies Class from Millard South (2/6/06 & 2/27/06)
- ☐ Arranged for the Omaha World Herald's Newspaper In the Classroom program to hand out NRD Seeds, and Cultivation Newsletters
- ☐ Continued planning for Envirothon 2006
- ☐ Continued planning for Earth Day 2006
- ☐ Presented LEP program at PF Statewide Meeting in February
- ☐ Managed 55 volunteer hours
- ☐ Recertified in CPR/First Aide/AED
- ☐ Sent out Wellness E-mails to staff
- ☐ Continued working on LEP curriculum updates
- ☐ Presented Groundwater Programs at UNO and MCC
- ☐ Continued taking orders for free seedlings, and sending out NRD seed packets
- ☐ Prepared three Game Scene Investigation games for use at Festivals, Youth Mentor Hunts, and other youth events
- ☐ Organized NRD Education Library



You Make the Difference!
CycleFest Volunteer Recognition February 23, 2006

Jerry Herbster

*There is nothing more noble, a deed more courageous
or an act more generous than to help save the life
of a fellow human being or*

*prevent illness or injury from occurring.
There is also nothing more rewarding than to know you
were involved in some way. It is the human spirit triumphant.*

Your volunteer efforts have enabled us to reach more people with our message of safety.
Thank you so much!

K. David Murphy



February 21, 2006
No. 11

Millard

BULLETIN BOARD newsletter is published twice monthly during the school year.

Kudos

★ The National Science Teachers Association has chosen **Rick Kolowski**, principal of Millard West High School, for the Exemplary High School Science Principal Award. Only one middle and high school are chosen each year, based on exemplary science teaching skills.

★ The Nebraska Council of School Administrators has named **Jon Lopez**, principal of Millard South High School, as the Nebraska Outstanding High School Principal of the Year.

★ The Nebraska State Interscholastic Athletic Administrators Association has selected **Steve Joekel**, assistant principal at

Millard West High School, as the Nebraska Athletic Administrator of the Year.

★ **Charles Gould**, language arts teacher at Millard South High School is the new president of the Nebraska Language Arts Council, the state affiliate of the National Council for Teachers of English.

★ Willowdale Elementary School is mentioned in a *New York Times* article, published Jan. 25, on the rapid growth of podcasting as a standard teaching tool.

★ Students at Reeder Elementary School raised \$9,200 for the American Heart Association. Teachers **Trevor Templar**, **Kelly Brinkman** and **Heather Mead** organized the Jump Rope for Heart event.

★ Doggone good news! **Simba**, the guide dog puppy trained by **Pam Baldwin** and students at Norris Elementary School graduated from The Guide Dog Foundation for the Blind and is now working in New York City with his blind companion. Also, **Daisy** and **Hook** received special training to help in classrooms at Cottonwood Elementary School. The basset hound and black lab are owned by kindergarten teachers **Becky Scherbring** and **Kathy Torres**.

★ Don't forget the cats! **Theresa Carroll**, art teacher at Millard South High School, has been chosen to have her classes participate in a sculpture project for the Nebraska Humane Society. Students will paint dog and cat sculptures, to be auctioned off at a black tie event later this year.

Volunteers Needed

The Millard Public Schools recently updated the strategic plan that guides our district. The planning team added a new objective and will convene an action team to take a fresh look at Strategy 7 so we can meet this new objective.

- **Objective:** The percentage of students engaging in negative social behavior such as substance abuse, harassment, and acts of aggression will decrease annually.
- **Strategy 7:** In partnership with our community, we will develop and implement plans to offset the social issues that negatively affect student behavior and learning.

Please see our web site at www.mpsomaha.org for more information and to sign up for this committee. The first meeting for this committee is scheduled for March 16 at 7:00 p.m. at the Don Stroh Administration Center.

FEB 23 2006

Cub Scout Pack 234

February 22, 2006

Thank you for allowing our pack to use the Chalco Hills facility for our Blue and Gold Banquet back on February 12th. The visitor center offered the perfect location and the perfect setting for our banquet. I apologize once again about the broken glass in two of your pictures. We were trying so hard to be careful during our cleanup and we didn't realize that the pictures were not secured to the board.

As a Cub Scout pack, we are always looking for ways to help out our community and we would appreciate the opportunity to do a service project at the recreation area.

Hopefully we will be able to use your facility again, perhaps for our banquet next year.

Sincerely,

Pam Osterman

Pam Osterman

Committee chairperson

Pack 234

February 10, 2006

EXTENSION
INSTITUTE OF AGRICULTURE AND NATURAL RESOURCES
Douglas/Sarpy Counties

Mr. Steve Oltmans
Papio – Missouri River NRD
8901 S 154th Street
Omaha, NE 68138-3621

Dear Steve:

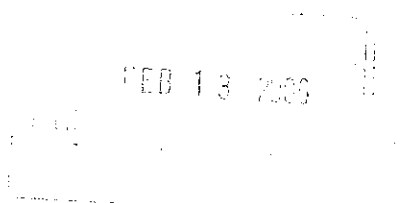
Thank you for serving as the emcee for the “Building for the Future - Erosion and Sediment Control Seminar IV”. Your involvement and support lends credibility to the educational seminar. I truly appreciate your support and the Papio-Missouri River NRD’s support of our educational programs. We had 220 people attend the seminar.

Thanks again for keeping the program running smoothly and efficiently.

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 / 1261 Golden Gate Drive / Suite 4E / Papillion, NE 68046 / (402) 444-7804 / FAX (402) 593-4353
Urban Programs / UNO Annex II / 115 South 49 Avenue / Omaha, NE 68132-3501 / (402) 561-7575 / FAX (402) 561-7599

UNIVERSITY OF NEBRASKA-LINCOLN, COOPERATING WITH COUNTIES AND THE U.S. DEPARTMENT OF AGRICULTURE

February, 2006

↙

Updated: February 13, 2006

Current and On-Going Projects P-MRNRD Legal Counsel

★ = Top Priority

F = Future Work – No Assignment

N = New Assignment

O = Others Handling

W = Work in Progress

P = PFP's Portion Completed

- **Little Papio:** (Cleveland)
- **Big Papio:** (Cleveland)
- **West Branch** (Cleveland):
 - Land Exchange with Sarpy Co. (96th St.) (P)
 - ★ Purchase Agreements, deeds (90th to Giles) (Tr. 19 deed, Tr. 23 easement) (W)
- **Western Sarpy Dike** (Cleveland):
 - Closing with Bundy's (potentially modify ROW/offer) (F)
 - Amended drainage ditch easements on Hickey (First National Property) (P)
 - Hansen ROW Condemnation (W)
- **Floodway Purchase Program** (Woodward):
 - Floodway Property Purchase Agreements as needed (F)
- **Trail Projects** (Bowen):
 - Western Douglas County Trail – Ehrhart Griffin professional services contract (P)
 - ★ Mopac Trail – Purchase Agreements and easements (W)
 - ★ Mopac Trail – Trailhead easement on OPPD tract at Springfield (N)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
 - ★ Lower Decatur Bend – Closing for Williams (P)

- **USDA P.L. 566 Projects, Silver Creek and Pigeon/Jones Watershed** (Puls/Cleveland):
 - Pigeon/Jones Creek Site Easements – as needed (F)
 - Silver Creek Site Easements– as needed (F)
 - Release of Site S-7 Easement (W)
- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - Dam Site 19 agreement (F)
 - ✪ DS 13 Agreement with Elkhorn and Omaha (P)
 - ✪ DS 13 Closing with Metro Community College (P)
 - ✪ Dam Site 13 Agreement w/SID512/Elk Ridge (N)
 - ✪ Shadow Lake ROW Closing (P)
- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):
- **Rural Water Projects:** (Sklenar)
 - ✪ Assignment of Water Line Easements to City of Blair (N)
- **Elkhorn River Public Access Sites** (Sklenar):
- **Other:**

NRD is doing its part

After reading recent Pulse letters about the issues facing the Republican River basin, I feel the accomplishments made by our constituents in the Lower Republican Natural Resources District need to be recognized.

In December 2002, we implemented a moratorium on all new irrigation wells. In December 2004, we put a stay on the development of new groundwater acres. In June 2005, we put into place strict rules and regulations for an integrated management plan.

The groundwater allocations for our district are the lowest in the state. Average water use has fallen from 13.03 inches in 2003 to 7.74 inches in 2005. Producers pumped 33 percent below their allocations in 2005. This equates to 70,201 fewer acre-feet.

There is no water being wasted in the Republican River basin. Gravity irrigators are irrigating every other row, changing sets in the middle of the night and using surge valves to maximize their efficiency.

Irrigation is the lifeblood of our local economies. As we work toward compliance with the Republican River compact, we need to do so in ways that will have the least amount of economic impact to our basin.

Mike Clements, *Alma, Neb.*

General manager

Lower Republican NRD

W-H
2-3-06

They are responsible

Regarding Robert O'Dell's Jan. 31 letter titled "Irrigators should pay," finally, we have a voice of reason.

One can assume that most of the acreage put under irrigation after the 1943 compact with Kansas was land that was, at best, marginal without irrigation. One can further assume that this land produced profits for the irrigators, or they wouldn't have continued to pump water on it.

This being the case, there is a fair and equitable method available to raise the funds necessary to pay the amount that could be owed to the State of Kansas:

Immediately place a meter on each and every irrigation well in the Republican River basin and set a fair and equitable price for the water that is pumped. If the landowner does not accept these terms, let him allow the land to return to the condition that existed prior to irrigation. This would allow the landowner to keep all of the profits from the years of water usage that put us in this situation.

If I, as a small-business owner, make a bad business decision, neither the Legislature nor the taxpayers would bail me out. I don't feel as though I should be called upon to contribute to the delinquency of the irrigators.

James W. Brown, *Omaha*

Panel's water talk doesn't include lake

2-3-06

By C. DAVID KOTOK
WORLD-HERALD STAFF WRITER

MAHONEY STATE PARK — Water — but not necessarily a lake — may be the key to economic development of the Interstate 80 corridor between Lincoln and Omaha.

The Nebraska Innovation Zone Commission avoided discussion Thursday of a proposal to dam the Platte River and create a giant lake. The water topics that commission members are concerned about are basic water mains and sewage lines, not recreation activities on a giant lake.

The commission is made up of county, city, natural resource district and college officials. They are charged with finding the best way to encourage growth along the corridor between the state's two largest cities.

The group discussed seeking \$2 million from private sources and state and local governments to take a close look at the corridor's needs, help define its size and suggest zoning rules to regulate commercial and residential development.

The commission took no position, however, on legislation that

See I-80: Page 2

I-80: No stance taken on lake

Continued from Page 1

proposes to flood the Platte Valley and create a giant recreation area. The proposal has inflamed Ashland residents, although it has excited many others.

Douglas County Board member Mary Ann Borgeson suggested that the commission try to replace the \$2 million water and sewer study with a \$3 million study of the lake proposal, before being told that the two should not be confused.

When Borgeson later suggested that the commission

take a stand on the lake at a legislative hearing to be held Monday, Omaha City Councilman Chuck Sigerson said it would be inappropriate because the lake was not on the commission agenda.

The commission did adopt a mission statement: "Fostering regional partnerships and promoting regional development opportunities for all communities within the Lincoln/Omaha I-80 Corridor."

In the spirit of cooperation, none of the Omahans objected or asked that it be called "the Omaha/Lincoln I-80 Corridor."

OMAHA DAILY HERALD FOUNDED 1865
OMAHA DAILY WORLD FOUNDED BY GILBERT M. HITCHCOCK 1885
OMAHA WORLD HERALD FIRST PUBLISHED JULY 15, 1889

Omaha World-Herald

JOHN GOTTSCHALK, Publisher
LARRY KING, Executive Editor
CEITNER SIMMONS, Editorial Page Editor

Qualifications vital

Every once in a while, an idea comes along that is so wrongheaded, it takes the breath away. Meet Legislative Bill 1147.

LB 1147 is simple. It would repeal the section of Nebraska law that specifies qualifications for the state's director of natural resources. Those qualifications: five years' experience in a position of responsibility in irrigation work. Sufficient management experience to run the large department. And, perhaps most critical and the most attacked, an engineering degree.

That level of experience and education is vital. Nebraska's water policy is among the director's main responsibilities. Fully understanding water and the science that underlies the department's actions and decision-making process is key. So is being able to guide staff members on technical issues.

It takes a professional engineer with appropriate background to properly interpret hydrological studies and their interrelationships, understand computer groundwater modeling and juggle the enormous amount of complex information the director uses every day.

The states with which Nebraska negotiates on water rights, boundary disputes and similar issues all require their top water officials to have engineering degrees. Nebraska's interests would not be well served by someone lacking depth of knowledge and the ability to quickly comprehend the technical and scientific implications of proposals or compromises as they are raised.

State Sen. Ed Schrock, head of the Legislature's Natural Resources Committee, suggested after a public hearing on LB 1147 last week that the proposal has little chance of passing as is. He added, however, that much sentiment favors amending what last year was named LB 359 into LB 1147.

Neither bill is any good. LB 359 would require that either the director or deputy director be an engineer, which in practical terms makes it doubtful the director would hold that qualification.

Worse even than that, State Sen. Bob Kremer, a major sponsor of LB 1147, suggested the bill might be revised to allow anyone in the Department of Natural Resources to be an engineer. Such an approach would abandon even the illusion that technical expertise and scientific background are important in the department's leadership.

The director's salary is \$114,000 a year, a sum that could attract qualified engineers. Reducing it to

**New DNR head
will need
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wise choices
based on facts
and science,
not politics.**

that of a deputy — or worse, an underling — would undercut the department's ability to attract a candidate with the needed training, experience and competence in engineering.

The only reason that has been stated for eliminating the criteria for choosing a DNR director is to broaden the pool of candidates from which to choose. This argument doesn't stand up.

Tim Anderson of the Central Nebraska Public Power and Irrigation District was head of the search committee that found the previous DNR director, Roger Patterson, who was highly qualified. Anderson said that, even when the salary was not high by professional standards (it was \$60,000-plus a year, raised quickly to \$90,000-plus), the committee had five strong and qualified candidates from which to choose.

Anderson suggested that because the director's salary has been raised again, the pool of candidates — all with engineering degrees and experience — would be considerably larger.

Kremer dissented, saying that "the NRDs feel we need to broaden the base, remove the engineering" requirement. Kremer has shown sound judgment on many issues as chairman of the Legislature's Agriculture Committee. But on this matter, he is off-base.

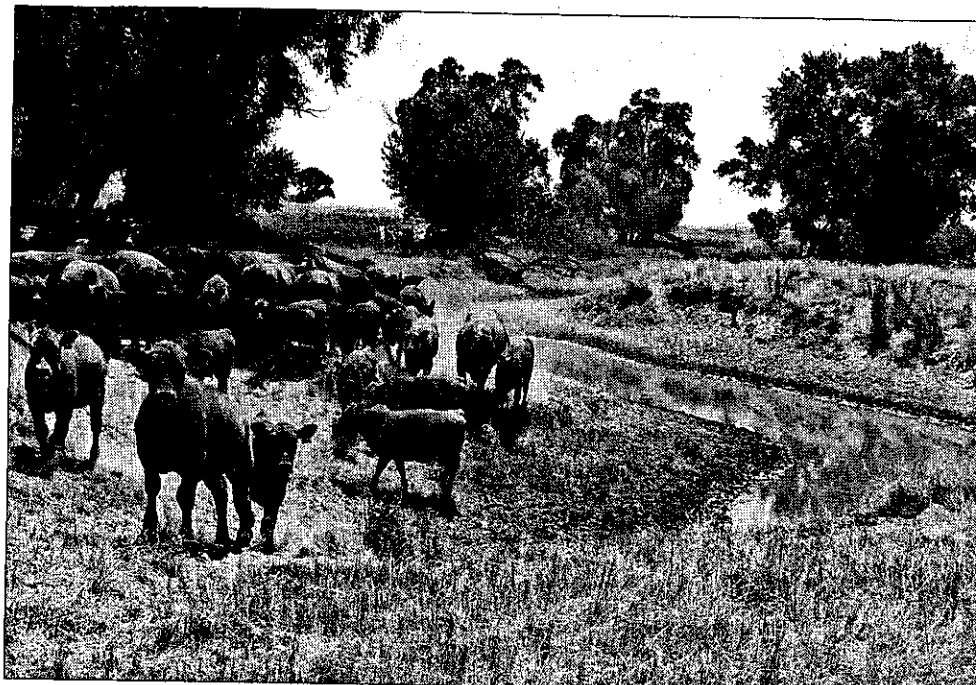
The natural resources districts, particularly those in the Republican River basin, have long disagreed vehemently with DNR policies and actions. But the public interest is best served when the director stands up for the DNR's prerogatives firmly and effectively.

The problem with LB 1147 and the proposed amendments was summed up by Anderson, who said, "Considering everything the state is facing, it's a horrible time to" gut the requirements. He expressed worry that the job would become political and decisions would be made not on science but on pressure groups' and lobbyists' wishes.

That is the last thing Nebraska needs if it is to overcome challenges to its water supplies, underground as well as in the Republican, Platte and Missouri basins and, increasingly, across the state.

Water will be one of the factors that will decide whether the state's economy thrives or withers in decades to come. Decisions made now and during the tenure of the next director will resound through the years. Wise choices based on facts, science and the long-term good of the state, rather than personalities, pressure and politics, would see Nebraska through.

Anything less is unacceptable.



LINCOLN JOURNAL STAR FILE PHOTO

Cattle walk along Pumpkin Creek. In late July, a shrinking watering hole was about all that remained of the creek where it meandered through the Spear T Ranch.

Water case back before state Supreme Court

2-7-06

Court today will hear irrigation district's appeal in Spear T Ranch case.

BY KEVIN O'HANLON
The Associated Press

A case filed by a Panhandle ranch, alleging the proliferation of irrigation wells is sucking streams and reservoirs dry, again is before the Nebraska Supreme Court.

The high court will hear an appeal today from Central Nebraska Public Power and Irrigation District, which a judge said could not intervene in the ranch's case.

The case originally was filed in 2002 by the Spear T Ranch near Bridgeport.

The ranch claims irrigation from wells has caused Pumpkin Creek to be dry most of the year, preventing the ranch from growing hay to feed its cattle.

Last year, the high court said Spear T's case could proceed in lower court, but Morrill County District Judge Paul Empson said the irrigation district could not join the proceedings because it failed to prove it had a legal interest in the matter.

Central owns and operated Lake McConaughy, the state's largest reservoir.

Its lawyer, Michael Klein, argues in briefs submitted to the court that Spear T's case directly affects it.

"The defendants unpermitted depletions of streamflow in Pumpkin Creek are causing a substantial reduction in the flow of water in the

creek — a loss of water from Pumpkin Creek which would otherwise be available for storage in Lake McConaughy," Klein said.

Continued irrigation will result in "the loss of water for irrigation, hydroelectric production, recreation, environmental protection and enhancement ... power plant cooling and incidental underground water storage and recovery," he said.

Spear T Ranch first obtained surface water rights to Pumpkin Creek in 1954 and argues it has a vested property interest to water from the stream.

In earlier arguments before the high court, Spear T lawyer Tom Oliver said groundwater users don't have a vested property right in the water underlying their land, nor in the use of that water.

"State law entitles groundwater users' reasonable and beneficial use of the groundwater," Oliver said.

In last year's ruling, the high court said the ranch had not stated a proper claim in its lawsuit but Empson should have allowed the complaint to be amended.

"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 watercourse 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."

The court also issued a caution to lower courts when they consider remedies for interference with surface water.

"Because the recharge of a stream that has dried up because of well pumping could take years, an injunction against pumping might only serve to deprive everyone in a water basin. Such a remedy would be unreasonable and inequitable," Connolly said.

The high court's ruling was not affected by a water policy law passed in 2004 by state lawmakers because it was not written to be retroactive.

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.

Many streams in the state rely heavily on groundwater for replenishment.

The new law requires the gathering of extensive data and performing annual evaluations of the state's 13 river basins. It also calls for restoring water flows in the over-appropriated Platte River Basin west of Elm Creek. A process to deal with potential water conflicts before lawsuits are filed also was established.

A second Spear T lawsuit seeking more than \$4 million in damages from the state was thrown out. That \$4 million claim said the state has allowed the proliferation of too many wells along Pumpkin Creek.

\$1 million for lake in W. Omaha withheld

2-8-06

By NANCY GAARDER

WORLD-HERALD STAFF WRITER

A local developer has postponed a \$1 million payment to the Papio-Missouri River Natural Resources District due to delays in the construction of a lake that will anchor Memorial Park West, near 192nd Street and West Dodge Road.

Chris Held of Dial Realty Development Corp. said the company thought it shouldn't have to pay for a lake that hadn't been built. Dial is more than willing, he said, to make sure that the \$1 million is paid now that it's clear a lake will be built.

Tuesday, an NRD board committee gave preliminary approval to an agreement stipulating that the payment, which had been due in December, would be made later this year. The agreement also specifies that the sanitary improvement district at the site will pay the \$1 million, plus about \$35,000 in interest.

The full board will vote on the agreement Thursday.

The NRD was responsible for securing the federal permit, and through no one's fault, the permit took longer than expected, said Steve Oltmans, general manager of the NRD. Oltmans said the lake will be built this year, probably by summer. And, he said, he is confident that when it is built, the NRD will receive its \$1 million.

The NRD and Dial are partnering on the lake's construction. For the NRD, the lake provides flood control. For Dial, it enhances the value of surrounding development.

Citizens from Washington County who oppose construction of NRD lakes on their land were critical Tuesday of the handling of the west Omaha lake.

Mike Larimore, president of the Papio Valley Preservation Association, said Washington County residents believe the NRD board is too willing to go along with the NRD's paid staff and does not provide enough oversight.

+

Lawmakers fret about the future

2-08-06

By NANCY GAARDER
WORLD-HERALD STAFF WRITER

For State Sen. Pam Brown, the solution was a massive lake between Lincoln and Omaha. For Sen. Kermit Brashear, the fix might be privatizing the state's public power system.

Both ideas died quick deaths in legislative committees over the past couple of years, but Brown says the underlying problem that drove the dramatic proposals remains.

State government in Nebraska faces a difficult future given the growing financial pressure of an aging population, Brown said.

"This is about the future versus the past," the Omaha lawmaker said. "The picture is fairly stark if you look at demographics. It's not going to be enough to nibble around the edges. We are going to have to grow the state, and that is going to require change."

A legislative committee on Monday rejected Brown's request for \$3 million to study the feasibility of a hydroelectric dam and lake on the Platte River.

The lake may not be the answer, she said, but the state needs to find a way to generate jobs and population growth.

Otherwise, Nebraskans will have to accept "pretty hard conclusions" — state government won't be able to provide the services that people have come to expect.

Brown cited growing Medicaid costs as a threat to the state's budget.

The average annual growth in state spending on schools and Medicaid already exceeds average annual growth in tax revenue, said state budget administrator Gerry Oligmueller.

That means that unless something changes, other programs will face progressively steeper cuts to sustain public schools and Medicaid.

At the current rate of growth in taxes and spending, education and Medicaid are projected to consume more than half the

state budget in less than 10 years and nearly the entire budget in about 20 years, according to state budget figures.

The state is searching for solutions.

"Let's let the lake stand on its own and let other issues stand on their own," said Sen. Jim Jensen of Omaha, chairman of the Health and Human Services Committee. "We can have a sustainable (Medicaid) system, but we must start addressing the issues, and the sooner the better."

The lake was touted as a catalyst for substantial economic growth, and particularly as a magnet for high-tech companies. Updated figures from a

1971 study indicate that a large lake has the potential to boost regional personal income by \$895 million annually and state tax revenues by \$60 million a year.

Brashear, also of Omaha, envisioned creating a state trust fund of possibly \$3 billion from the sale of electric utilities. Such a fund could generate \$150 million a year in interest income.

X Brown said an ongoing proposal to build large flood-control lakes in Washington County could accomplish some of what had been proposed for the lake between Lincoln and Omaha.

The Papio-Missouri River Natural Resources District is studying whether to build the lakes, and the proposal is facing fierce opposition from families whose homes and farms would be flooded.

The lakes would be the largest in the Omaha area but a fraction of the size of the lake proposed along Interstate 80.

Still, said Steve Oltmans, head of the NRD, the lakes could entice some businesses to locate in the metro area. Highways in the area are being expanded to four lanes, which eventually will provide quick access to Eppley Airfield.

"There's no question it could be an economic stimulus to the community we serve," Oltmans said.

**A huge lake may
not be the
answer, but
Nebraska's
economy must
grow, state
senators say.**

Midlands Voices

DNR head needn't be professional engineer

BY BOB KREMER

The writer, of Aurora, Neb., is a state senator representing Nebraska's District 34.

Legislative Bill 1147 was introduced to ensure that the best candidate be hired to serve as director of the Nebraska Department of Natural Resources. LB 1147 would do this by eliminating hiring criteria that are no longer relevant to the position.

Of particular interest is the elimination of the requirement that the director be a professional engineer. Unfortunately, a Feb. 6 editorial that opposed LB 1147 showed a misunderstanding of the director's position today and ignored the value other professions can bring. It is just not factual that non-engineers will disregard evidence and fall prey to undue influence.

As in the DNR, directors of other state agencies must make regulatory decisions based on highly technical data and information. Examples of these agencies include the Department of Environmental Quality, the Department of Roads and the Game and Parks Commission. Despite the technical nature of the decisions, none of these directors is required to hold any particular professional degree or license.

These directors are selected not on the basis of political affiliation but on their individual talents and work history. The pool of qualified persons for those positions is rich and diverse. Each of these directors has historically performed his job in an unbiased, professional manner. There is no reason to believe that the DNR director would be any different.

Indeed, no governor would want to hire an agency director whose actions reflected poorly on the governor's decision to hire him. It is simply an unfounded presumption that any governor would appoint or retain a person who disregards or fails to comprehend scientific facts or the applicable law.

Perhaps most importantly, an engineering degree no longer may be the best option for the position. The requirement that the director be an engineer has its roots in the early 20th century, when the duties of the DNR were performed by the Department of Roads and Irrigation. At that time, the director not only supervised construction of roads across Nebraska but also approved construction of surface-water projects.

The review of canal and dam designs required the skills of a qualified engineer. Today, the job is much different. No canals of any significance have been constructed in Nebraska for more than 20 years. Moreover, no such surface-water projects are likely

to be constructed. Accordingly, the historical basis for the director to be an engineer no longer exists.

Notably, the director of the Department of Roads, who is the state engineer and continues to be involved in significant engineering projects, need not hold an engineering degree. Not surprisingly, most other states have abandoned the engineering requirement for similar positions.

The primary role of the DNR director today is to formulate public policy concerning surface water and groundwater and to administer water laws. The role requires a thorough understanding of hydrology and of the legislative process, water laws and administration. Any number of professional degrees, including those in hydrology, geology, economics or public policy, could be better suited to the position of director than a degree in engineering.

Yet under existing law, persons with degrees in chemical, electrical, industrial, nuclear or structural engineering (to name a few) would qualify for the director's position even though those degrees have no connection to hydrology, public policy, management or even water.

Under current law, a fire protection engineer who operated the family's irrigated farm before college would meet the qualifications to be director. Yet under current law, a trained hydrologist with 30 years of experience could not be considered for the position.

Similarly, people such as Dave Cookson, who heads the natural resources section of the Attorney General's Office, would not be qualified. LB 1147 would eliminate outdated standards and open the door for the candidate with the best qualifications to serve as DNR director, regardless of his or her degree.

The editorial observed that "wise choices based on facts, science and the long-term good of the state, rather than personalities, pressure and politics, would see Nebraska through." On this point, I fully agree. But it is wrong to believe that engineers are any less susceptible to political pressures than any other professional. It is wrong to conclude that engineers always will have the best skills to manage this agency.

Contrary to the conclusion reached in the editorial, LB 1147 would allow the governor to select the best candidate for the state.

Platte pact will be focus of water policy meeting

The Associated Press

SCOTTSBLUFF — The North Platte River Basin Water Policy Conference on Wednesday in Gering will focus on the Platte River Cooperative Agreement.

The agreement will culminate a 10-year effort by Nebraska, Wyoming, Colorado and the U.S. Department of the Interior to create a recovery program for endangered species in the Platte River Basin.

The species: three birds — least tern, whooping crane and piping plover — and a fish, the pallid sturgeon.

The three governors and the U.S. secretary of interior are expected to sign the Platte River Recovery Implementation Program this year.

At risk for the states are millions of dollars, because dozens of water projects with federal ties, including dams, reservoirs and hydroelectric plants, would be scrutinized separately under the Endangered Species Act.

Environmentalists say decades of building dams, diverting water for irrigation, drilling wells and other developments have reduced river flow and harmed wildlife habitat.

Without the recovery program and the cooperative agreement, the U.S. Fish and Wildlife Service has indicated it would unilaterally and aggressively pursue remedies for the endangered species.

The service wants to reduce water shortages in the central Platte Valley by an average of 417,000 acre-feet a year

and restore 29,000 acres of habitat.

But the service has said it is willing to take an incremental approach to better understand what each species needs.

The program cost is expected to exceed \$200 million, with most of the money going to buy land, develop habitat and manage water. The federal government will pay half the cost. The rest will be divided among the three states and water users.

"There is no doubt that with an issue of this significance, there will be opposition within the states," said Dennis Strauch, manager of the Pathfinder Irrigation District. "It is important that all viewpoints be clearly heard and understood by the governors," who will either attend or be represented at the Gering conference.

Strauch, who has worked on the agreement as a representative for water users, said the agreement is important for surface water users in all three states.

And Dean Yonts, extension irrigation specialist at the University of Nebraska-Lincoln Panhandle Research and Extension Center in Scottsbluff, said the agreement and the water it affects "goes beyond our irrigation producers."

Strauch said the agreement is expected to be ready for approval by the three states and Department of the Interior by Oct. 1, when the species recovery program is scheduled to begin.

W-H
2-12-06

Furthermore ...

X ■ A walk through grassland, a stroll through the woods — Chute National Wildlife Refuge offers many opportunities for relaxation and a conversation with nature. Congratulations to the Papio-Missouri Natural Resources District for its donation of 710 acres to Boyer Chute. As a result, the acreage at the refuge now tops 4,000 acres. Thus does a terrific idea — the creation of Boyer Chute — build on itself over time, with important benefits for the quality of life in the Omaha area.

Sarpy board says no to 2 rezonings

■ Residents express environmental concerns about the housing proposals.

2-15-06
By KAREN SLOAN
WORLD-HERALD STAFF WRITER

Two proposed housing developments in southwest Sarpy County were dealt a major blow Tuesday when the County Board denied requests for zoning changes.

Commissioners voted 3-2 to deny the application for Cornish Acres, a 60-acre residential development at 174th Street and Cornish Road, near Schramm Park State Recreation Area.

The vote was also 3-2 to deny the rezoning request for Krajicek Acres, near 204th Street and Buffalo Road.

Approximately 25 area residents attended the meeting to oppose the developments, citing environmental concerns and the small-planned lot sizes. Residents recently formed the Schramm Association for a Viable Environment, or SAVE, to oppose several nearby developments that are in the works.

Commissioners Aldona Doyle, Tim Gay and Tim Schram voted to deny Cornish Acres' application, saying that the county needs more time to evaluate the environmental situation.

The commissioners also said the Sarpy County Planning Department needs to ensure that it is interpreting its own newly adopted comprehensive plan correctly before the board can OK developments near Schramm Park.

Gay, Schram and Commissioner Paul Cook voted against the Krajicek Acres request,

citing similar environmental concerns.

Pat Sullivan, the lawyer who represents the three couples who own Cornish Acres, said the board's decision will set the development back at least three months, but that the owners will reapply for the zoning change.

"I'm shocked by the board's decision," Sullivan said. "They passed a comprehensive plan, and they need to abide by it."

Area neighbors opposed the county's new comprehensive plan, adopted in November, because it allows for five-acre lots in the area, instead of the previous 20-acre minimum.

SAVE lawyer Lynn Moorer applauded the board's decision Tuesday, though she anticipates that the issue will be ongoing.

"I think this was a prudent decision, given the circumstances," she said. "We're encouraged."

Neighbors of Cornish Acres had also previously objected to the fact that Ken Tex, a building and planning coordinator for the county, is a part owner of the proposed development.

"How can the citizens trust Tex when he surrounds himself with real estate tycoons?" asked Tom Urwin at the meeting Tuesday.

Schram said the county has found no indication of wrongdoing in the arrangement, though he acknowledged that the public perception has been negative.

2-15-06

Republican River basin NRDs want water from Platte

The Associated Press

Some Republican River basin officials are looking north with the idea of buying groundwater from Platte River basin irrigators in order to replenish the Republican's flow into Kansas.

Nebraska has been using more than its share of Republican River water, violating a three-state compact and risking millions of dollars in compensation and penalties.

Nebraska Gov. Dave Heineman and other state officials are considering several options to send more water to Kansas, including buying water rights from landowners.

Some Republican River natural resource district officials are asking for a financial feasibility study of diverting Platte River basin water south to the Republican River.

The engineering wouldn't be a problem, said Dan Smith, Middle Republican NRD manager.

"In fact, it'd be relatively easy to start moving that water," he said.

The east-west running Platte angles closer to the Republican in south-central Nebraska, and Smith said an irrigation canal near

Bertrand that carries Platte water comes within a quarter of a mile of Spring Creek, which flows to the Republican.

If contracts were secured, most likely groundwater from Platte basin irrigators would be pumped down to the Republican so more water would flow into Kansas, Smith said.

Platte basin irrigators also have struggled with drought, but Lower Republican NRD Manager Mike Clements still thinks Republican basin irrigators ought to pursue the idea as a quick way to increase water flow into Kansas.

The water compact signed in 1943 allocated the annual water supply in the Republican River Basin, with Nebraska getting 49 percent, Kansas 40 percent and Colorado 11 percent. The river starts in eastern Colorado, flows into Kansas and up to Nebraska and returns to Kansas in Republican County.

In 1998, Kansas went to the U.S. Supreme Court, claiming Nebraska had violated the compact by allowing the unimpeded development of thousands of wells drawing from the river and its tributaries.

Pilot Tribune
2-15-06

NRD donates 700 acres to Boyer Chute

The Papio-Missouri Natural Resources District recently donated 710 acres, valued at over \$1 million, to the U.S. Fish and Wildlife Service's Boyer Chute National Wildlife Refuge near Omaha, Nebraska. A large portion of this acreage includes Nathans Lake. In addition, two tracts were acquired along the auto tour route. This donation brings the total acres of the Refuge to over 4,000 acres.

"This donation is significant in both size and scope to the natural function of this part of the Missouri River floodplain. Nathans Lake is one of only two major historic wetland complexes remaining in the Boyer Chute floodplain and represents a critical component of the biological and hydrological function of the floodplain," said Bryan Schultz, Manager of Boyer Chute National Wildlife Refuge.

"It provides the full spectrum of year-round needs to a wide diversity of wetland-dependant plants and animals."

"The restoration and conservation of this important habitat would not have

been possible without the continued support and cooperation of the Papio-Missouri Natural Resources District," adds Mitch King, Regional Director of the U.S. Fish and Wildlife Service's Mountain-Prairie Region.

"We are very fortunate to have the District as a partner in our conservation efforts."

Boyer Chute National Wildlife Refuge, named a Nebraska Important Bird Area in 2005, provides floodplain habitat for more than 240 species of migratory birds. The Refuge offers a variety of opportunities for wildlife-dependent recreation including: almost 8 miles of hiking trails, accessible fishing piers, controlled hunting, wildlife observation, environmental education, interpretation, and photography. The Meadowlark trail was recently designated a National Recreational Trail.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American

people.

The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the

Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitats such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

For more information about the U.S. Fish and Wildlife Service, visit our home page at <http://www.fws.gov>

Lake study findings ready in one year

Consultants studying the feasibility of building two large flood control lakes in Washington County anticipate delivering their findings to the Papio-Missouri River Natural Resources District a year from now.

Thursday, a team from HDR Inc. held an organizational meeting with about 20 members of a steering committee created to help direct the study.

Government officials, land owners and those interested in wildlife issues are members of the committee.

The lakes could cost more than \$100 million and would require tax support.

Thursday's meeting was initially described as closed to the public, but instead it was opened to the public.

The lakes have drawn strong opposition from the dozens of people whose property would be flooded.

The NRD is funding the study. Public meetings and one-on-one sessions are planned.

W-H
—Nancy Gaarder 2-17-06



Native American activist Frank LaMere pledged his support to landowners fighting a Papio-Missouri River Natural Resources District proposal to build two reservoirs in Washington County.

LaMere: NRD stacks deck

By Jim Brazda
Reporter

2-21-06

The common message at the Papio Valley Preservation Association fund-raiser chili feed and bake sale was simple: Natural resources districts do not play fair.

The event was held at the Kennard Auditorium on Saturday, Feb. 18, and attended by around 250 people.

Event organizers are hoping to get people organized and mobilized for the long fight against the NRD proposed dam sites that would flood their land and drown two Washington County towns, Kennard and Washington.

Funds from the event will

help pay for a lobbyist in the Unicameral, as well as to pay for pending litigation in two cases where different groups of landowners are suing the NRD over partnering with private developers in Elkhorn and Papillion, said PVPA president, Mike Larimore.

The NRD board needs to "make decisions that are best for everybody in the watershed," Larimore said. "Not just us and not just Omaha."

The keynote speaker of the evening was Frank LaMere, a Native American social and political activist. LaMere is a Nebraska native, member of the

Winnebago Tribe of Nebraska, and was named the 2001 Peacemaker of the Year by Nebraskans for Peace for his work to stop the illegal flow of alcohol into the Pine Ridge Reservation in South Dakota.

He is also a member of the Nebraska Democratic National Committee.

"Who can talk more about government intrusion than my people?" LaMere said.

Natural Resource Districts across the state "have little honor in the way they uphold the public trust," LaMere said. "As the institution grows bigger it feeds

SEE LAMERE PAGE 3A

LaMERE: Activist says proposed dam sites may contain Indian burial grounds

FROM PAGE 1

on itself and cannot even stop itself."

"When this many people come together something is definitely wrong, something needs to change," he said.

He continued to characterize NRD boards as constructing dams across the state for economic development and recreation instead of purely for flood control.

Eminent domain, he said, is a smokescreen for the reality that they want to take your land and your neighbors' land so a small number of people can profit from your displacement, he said.

"Why disrupt the lives of your children so someone from Omaha can get some money?" he asked.

LaMere warned the congregation others would attempt to marginalize them and get distressed that they are upsetting the status quo by choosing to fight the NRD.

He noted, however, that they stand on the shoulders of U.S. soldiers who have died to protect the right of

free speech and to "stand on your head and spit wooden nickels if you want."

There is evidence of Native American cultural resources and burial sites in the area to be flooded by the proposed dams, LaMere said.

Those who work in the public trust, such as the NRD and the State Historical Society, have a responsibility to protect these sites, he said, by conducting a cultural resources study that "holds muster."

LaMere, inspired by the high turnout and dedication of the PVPA, said he would get together with the Omaha and Pawnee tribes in Nebraska to begin a new effort to ensure the NRD is completing an adequate cultural resources survey on the proposed dam sites.

LaMere noted he believed that in the construction of Dam Site 61, near Milligan, the Little Blue Natural Resources District had flooded a Pawnee burial ground by not doing enough research on a suspected burial

mound.

"I am not going to let that happen again," LaMere said.

Positions on the NRD board are up for election in all of the even-numbered districts, Larimore said. The filing deadline, March 1, is the same as for all non-incumbent elected positions this year.

"We think we have a good chance of getting some people on the board that are open-minded," Larimore said.

Although she has lived here 11 years, Julie Thacker said she is a relative newcomer to the area, yet she urged all at the event to go to NRD board meetings and "show them they aren't going to come in and take our grounds, take our homes, take everything we've worked so hard for."

"We need everyone to get involved, we need to flood these [NRD board] meetings," said Jennifer Andersen. "No pun intended."

Midlands Voices

Let's go for the green on Platte River plan

BY DAVE SANDS

The writer, of Lincoln, is executive director of the Nebraska Land Trust.

When it comes to the proposal for a giant reservoir on the Platte River between Omaha and Lincoln, a Feb. 9 editorial made two excellent points.

For one, the editorial pointed out that "the need was how to maximize the Omaha area's quality-of-life appeal in the face of a highly competitive economic environment." And it concluded by stating that "the proper step now should be to ask: What paths can we pursue to best position the Omaha region for the future?"

Regardless of one's opinion on the lake proposal, the editorial did help to focus attention on the future of the lower Platte River, which is a good thing.

Since the river bisects a region that is projected to have 2 million people by the year 2050, now is the time to discuss the river's future. How do we want to pass this resource on to our children? How can we use it to stimulate economic growth? I submit that a good answer to both questions is an attractive green corridor, with many opportunities for public enjoyment and use.

The lower Platte is already of critical importance to Nebraskans. It provides a vital source of drinking water for nearly half of the state's population. For those who work and live in the valley, it provides a livelihood and a way of life. To many, it is a magnet for a wide range of outdoor activities. The valley is also an important part of our human heritage, with several significant historic sites.

There is a long list of natural assets as well, including an eastern hardwood forest at the western edge of its range and rare remnants of tallgrass prairie. It is the most important east-west wildlife corridor in eastern Nebraska, with a valuable fishery and habitat used by four threatened or endangered species. The valley offers some of the most enchanting scenic views in the state as well.

The good news is that protection of these assets and economic development is not mutually exclusive. It can even be complementary.

Eugene T. Mahoney was one of the first to see this potential, and his namesake park on the Platte has become one of the most popular outdoor destinations in eastern Nebraska. Likewise, the Henry Doorly Wildlife Safari and Quarry Oaks Golf Course have become significant attractions that complement the valley's natural character while contributing to the economy.

In other words, as we look for ways to maximize quality-of-life appeal, we should consider what we already have. This was the idea behind "Back to the River," Omaha's successful redevelopment of

its riverfront.

Perhaps it would be advantageous for Omaha to be known as "River City," because it is bordered on three sides by two legendary American rivers, with multiple opportunities for hiking, bicycling, fishing, hunting, golfing, camping, boating, swimming and more. If so, then economic development would best be served by preservation of those areas that are at the heart of the Platte Valley's natural beauty and ecological health.

This is easier said than done, and it is one reason the Nebraska Land Trust was formed in 2001: to protect significant natural and historical resources as growth in the valley occurs.

In a largely private landscape like the lower Platte Valley, voluntary land preservation agreements are an excellent tool for the conservation of these resources on private land. Known as conservation easements, we have used this tool to permanently protect 1,057 acres in the lower Platte River corridor to date.

This protection was accomplished thanks to generous landowners who were willing to donate their development rights. However, for many landowners, a donation is not economically feasible.

In this regard, it would help to have local or state incentives that could make the donation of conservation easements more attractive, such as the transferable state tax credits currently proposed in State Sen. Chris Beutler's Legislative Bill 997. New funding sources for the purchase of conservation easements would be helpful as well.

When development is planned for the valley, another strategy is to encourage conservation developments. These developments are designed to preserve sensitive natural areas while allowing for development on less sensitive land.

In fact, this concept is central to parts of the Douglas County Draft Comprehensive Plan Revision, especially when it comes to protecting natural areas along the Platte and Elkhorn Rivers. Sarpy County is looking at this concept as well, in order to protect the rugged bluffs overlooking the Platte near Schramm Park.

So how can we maximize quality-of-life appeal to better position our region for the future? When it comes to the Platte Valley, we should not ignore the considerable natural attractions already in place.

Can we use these natural assets to promote economic development while preserving them at the same time? The valley's economic and ecological health may depend on it.

Landowners to vote on deal to provide water for Kansas

2-23-06
By DAVID HENDREE

WORLD-HERALD STAFF WRITER

A couple of hundred south-central Nebraska landowners will vote in three weeks on whether to take cash in exchange for sending their irrigation water this year to Kansas.

"We're continuing to work on a deal to purchase surface water in the Republican (River) basin to deal with the 2006 drought year," Ann Bleed, acting director of the Nebraska Department of Natural Resources, said Wednesday.

If approved, the deal with the Bostwick Irrigation District, based at Red Cloud, would help Nebraska meet its obligation to provide Kansas with its share of the river water. The district provides irrigation water via canals to about 23,000 acres of farmland.

The Bostwick deal would provide an estimated 15,000 to

20,000 acre-feet of water from the drought-shrunken Harlan County Lake and the river. Nebraska has used an estimated 100,000 acre-feet more than its allocated share of the Republican River.

At the March 15 election at the Red Cloud Community Center, the district's 250 landowners can vote on a tentative agreement to lease their water to the State of Nebraska. The landowners would receive about \$100 per acre of land. (one year)

The district's board is not campaigning for or against the proposal, said Mike Delka, the district's manager.

"The bottom line is we thought we got as close (to the best price) we could," Delka said of negotiations with the state. "Now we'll see if it's close enough. If it is, it is. If it isn't, it isn't."

Delka said the pending vote puts pressure on the state to

find about \$2.3 million to pay landowners for the water.

The tentative agreement was good news to Gov. Dave Heineman.

"Obviously the governor is pleased, but this is just one step among several steps that must be taken in order to improve Nebraska's water situation," said Aaron Sanderford, the governor's spokesman.

The water-leasing proposal is a little-known option available to the state in the 2002 settlement of a U.S. Supreme Court case involving Nebraska, Kansas and Colorado over allocation of the prairie river's water. The settlement specifically allows Nebraska to lease water.

A compact signed in 1943 allocates the annual water supply in the Republican basin. Nebraska gets 49 percent, Kansas gets 40 percent, and Colorado gets 11 percent.

This report includes material from the Associated Press.

'Cultural resources' considered

Impact on cultural resources part of planning process

By Jim Brazda

Reporter

Enterprise
2-24-86

Any major construction project must be done with consideration to archeological and cultural resources that may lay hidden in the folds of the land and on creek banks.

In a talk to the Papio Valley Preservation Alliance last weekend, Native American activist Frank LaMere said there is evidence of Native American cultural resources and burial sites in the area that would be flooded by two proposed dams that are part of the Papio-Missouri River Natural Resources District's flood-con-



JIM BRAZDA/ENTERPRISE

This area of the Big Papillion Creek near County Road 34 south of Kennard is one of the sites where cultural resources may be found.

trol plan for the Papio Creek.

In addressing the PVPA, an organization formed to oppose the dam plans for Washington County, LaMere, a member of the Winnebago Tribe, said he would get together with the Omaha and

Pawnee tribes in Nebraska to begin a new effort to ensure the NRD is completing an adequate cultural resources survey on the proposed dam sites.

A 1984 report by the U.S. Army Corps of Engineers

identified a total of 18 sites in the 402 square miles of the Papillion Creek basin which contain cultural resources. These sites range from stone flakes left behind from the construction of tools, to a burial site, earthlodge remains, villages and structures from early Euro-American settlement.

Three prehistoric sites and some historic structures in the village of Washington were located in or near dam site 3C. The prehistoric sites contain lithic scatters, or stone flakes, and several ancient hearths.

The State Historical Society recommended to the Papio-Missouri River NRD to perform a cultural resources survey before constructing any dam sites in

SEE CULTURAL PAGE 3A

Continued

CULTURAL: *Studies include consideration*

FROM PAGE 1

the area. The society had looked into a couple of sites, but did not find much, said Paul Woodward, water resource engineer for the district. Currently the district is waiting to hear back from the historical society and any comments will be incorporated into the current study, he said.

Regulations governing cultural artifacts were implemented under the National Historical Preservation Act of 1966. Section 106 of this act states federal agencies that are extending funding or licensing for a project are required to consider cultural resources and to mitigate any effects the project would have on them, said Bob Puschendorf, deputy state historic preservation officer. In Nebraska this would require they consult with the Nebraska State Historical Society to do a site survey to discover possible cultural resources.

However, natural resources districts are not federally funded, hence the NRD funding of a project does not in and of itself necessitate a review of cultural resources, Puschendorf said. In his 20 years of experience, however, Puschendorf said NRDs have been very sensitive about cultural resources, in some cases reviewing sites, they were not required to review.

"The Papio-Missouri River Natural Resources District has been most cooperative in the past," Puschendorf said.

On the other hand, the presence of some evidence of an archeological site does not necessarily mean the site would be relevant enough to trigger a Section 106 review, Puschendorf said. Things such as chip flints and ancient campsites are not



The creek in the background has been identified as one of the possible cultural sites in Washington County.

enough to call "significant," whereas evidence of long-term habitation, such as villages and burial sites, are.

The discovery of an ancient burial site would be covered under a different law, the Native American Graves Protection and Repatriation Act of 1990. This is triggered by the discovery of human remains during any construction project, even if digging a swimming pool in your backyard. Upon the discovery of human remains, the discovering party would be required to first notify law enforcement to ensure that it is not a result of a crime, then to contact the state historical society to determine the site's affiliation to a tribal unit, Puschendorf said. Then there would be consulting with the tribe and the Ne-

braska Commission on Indian Affairs as to what to do next.

Section 106 does not have any provisions to ultimately stop a construction job, Puschendorf said, it is a consideration process.

The preferred way to mitigate the damage to a cultural site, Puschendorf said, is to avoid it. However, that is not always possible. Another option is to commission a full architectural evaluation to recover all of the artifacts and information before the site is destroyed.

The Native Americans typically resided in areas close to water sources and food supplies. Many of these locations are the same places where modern Americans want to live as well.

City willing to pay for bridge ideas

■ Giving \$75,000 to losing bidders for the pedestrian span is proposed.

2-25-06
By JOSEPH MORTON

WORLD-HERALD STAFF WRITER

Omaha city officials really want companies competing for the job of designing and building a pedestrian bridge over the Missouri River.

The city even wants to offer \$75,000 stipends to the design/build teams that are not chosen. That plan is to be considered by the City Council on Tuesday.

The process is somewhat unusual for the City of Omaha, which typically contracts the design and construction of projects separately. In 2000, then-Sen. Bob Kerrey won federal funding for the bridge, but contractors submitted bids far higher than the money available, so the initial designs were thrown out.

Now the city is looking for teams who will design and build the bridge for \$22 million.

Proposals are scheduled to be submitted by the end of next month. If all goes well, final design and construction could start this summer.

Steve Scarpello, acting director for parks, recreation and public property, said the stipends are a standard fixture of the design/build process. The money is intended to offset the

costs of putting together a proposal, he said.

The money for the stipends and the engineering services will come from the federal funding for the project.

Scarpello said that based on the interest shown in the project, the city anticipates paying out no more than three stipends. The team with the winning proposal will not collect a stipend.

If the council approves the stipends, it won't mean that just anyone can present a cocktail napkin with crayon scribbles and collect the money. Scarpello said the stipends will go only to teams submitting "qualified bids."

On the question of what represents a "qualified bid," Scarpello said an engineering services firm set to be hired for technical support will provide some input.

The council also will consider hiring that firm on Tuesday. Lamp, Rynearson & Associates would analyze the bridge proposals as part of a \$140,000 contract.

The firm would provide guidance to the selection committee on whether proposals are feasible, Scarpello said.

"They're going to be the technical expertise," he said.

Dam would keep Kennard dry

Pilot Tribune

2-29-06

Based on the old topographical maps the Papio-Missouri River Natural Resources District has used to survey dam sites 1 and 3C in Washington County, the City of Kennard should not be in danger of being flooded by a proposed reservoir, but the village of Washington may have to move some buildings, said Paul Woodward, NRD water resources engineer. The NRD has proposed the dams as a means of flood control.

A new topographical map is being commissioned for more current data, he said, so the district is still waiting before it will be able to say definitively which buildings may need to be relocated and what improvements, such as levys and easements, might be used.

"We are assuming now that pretty much all of the buildings in Kennard can remain," Woodward said. "We might just have to build a levy, even an easement."

Post- Gazette
2-28-06

Final 'Watershed by Design' public forum set for March 2

The Papillion Creek Watershed Partnership is holding a public forum at 7 p.m. Thursday, March 2, on the Watershed Master Plan.

The plan is needed to fulfill stormwater permit requirements in the Papillion Creek Watershed. Its purpose is to improve water quality and reduce the potential impacts of flooding in the unique 402-square-mile watershed located in Washington, Douglas, and Sarpy Counties.

Public participation is critical to

developing and implementing this type of plan.

The forum is being held to explain the process and results of the Policy and Technical Workgroups; to review the proposed plan and policies and their benefit to a green, clean, and safe watershed, and to provide an overview of future public adoption and implementation.

The forum will be at the Natural Resources Center at Chalco Hills Recreation Area, 8901 S. 154th Street in Omaha.

Letters to the Editor

Developer fills pockets at taxpayers' expense

I myself, as a taxpayer, think that every taxpayer in the Papio-Missouri River Natural Resources District needs to contact your local director. In the Elkhorn area, Rich Tesar is your representative. You might want to ask them why they, as a board, let Dial Development Corporation out of a written contract with the District in which Dial agreed to gift the District \$1 million for "partnering" on damsite 13.

Anyone wanting to build a home in the Elk Ridge subdivision, SID 521, east of the high school, should know that they will be picking up the the \$1 million dollar payment to the P-MRNRD instead of the developer. Dial wins.

We as taxpayers have already seen that SID's facilitated by agreements between the P-MRNRD and private developers can, and, do, go bankrupt. Newport

Landing Lake, SID 425, at Bennington is over \$15.3 million in bankruptcy. This was to have been the "premier lake" development promoted as a win-win for the taxpayers of the district.

Why would NRD directors decide to subject another SID (521) to \$1,035,000 indebtedness when the payment was to be received from Dial in December of 2005?

In my opinion, I think everyone in the District should be well aware of what the P-MRNRD is doing at all times. I urge all to contact someone from the NRD and voice your concern.

Looks to me like Dial Development received a \$1 million gift from the P-MRNRD (ie, taxpayers).

Congratulations, Dial Development.

— Tim Dreessen, Bennington

New FEMA maps get builders all wet

By ZACHARY BAEHR

Leader managing editor 3-1-06

Letters from mortgage companies informing landowners they must buy flood insurance is creating a waterlog of headaches.

That's because newly issued maps from the Federal Emergency Management Agency has the Papio Creek in incorrect locations and other areas shown without recent elevation changes.

"As far as development, it's not preventing developments," said Paul Woodward, water resources engineer with the Natural Resources District.

"If the floodway was slightly shifted on land that should be out of the floodway, that would impact where you can build."

Local developer John Thompson brought the matter up before the Bellevue City Council in January. He said things haven't necessarily gotten better, but it hasn't stifled development.

"It's a long-term thing," Thompson said. "Right now the term limbo is pretty apt with this thing."

"The main thing, the people that did the study, not the NRD, were just totally off on everything

that is known by anybody who can read maps."

In Thompson's case, he's looking at developing land near the Twin Creek development along the Papio Creek. On the south side of the creek, Thompson said, the maps indicate one could theoretically build right into the waterway, though it's clearly not possible.

"It doesn't help us, and therefore it doesn't help the city when you potentially take land out of protection. It's going to affect the tax base eventually," Thompson said.

Stipends OK'd for failed bridge bidders

■ The City Council approves \$75,000 payments aimed at ensuring high-quality proposals for the pedestrian span.

3-1-06
BY MICHAEL O'CONNOR

WORLD-HERALD STAFFWRITER

The Omaha City Council approved a plan Tuesday aimed at getting quality proposals for designing and building a pedestrian bridge over the Missouri River.

As an incentive to attract proposals, the city will offer \$75,000 stipends to the design/build teams not chosen for the project.

The team that is chosen will not receive a stipend.

The stipends will help the city attract proposals from enough teams to make it competitive, city officials say.

Councilman Franklin Thompson asked if the amount of stipends could be reduced.

Larry Foster, parks administrator, said reducing the amount could lower the quality

of the proposals.

The process is somewhat unusual for the City of Omaha, which typically contracts the design and construction of projects separately.

Steve Scarpello, acting director for parks, recreation and public property, has said the stipends are a standard fixture of the design/build process.

The stipends will go only to teams submitting "qualified bids."

Federal funding is available for the project, but contractors two years ago submitted bids far higher than the money available, so the initial designs were thrown out.

Now the city is looking for teams that will design and build the bridge for \$22 million.

Corps set to scrap plans for rise on Missouri River

■ Upstream reservoirs aren't full enough to carry out the March 1 release, which would benefit the pallid sturgeon.

BY HENRY J. CORDES
WORLD-HERALD STAFF WRITER
3-1-06

If a spring rise in water levels on the Missouri River is indeed needed to help save the endangered pallid sturgeon, it appears that the ancient fish will have to wait longer to get one.

Two larger-than-normal releases from river dams, which federal officials had set for this spring, were contingent on sufficient water in six upstream reservoirs.

As Wednesday's target date for the first rise approaches, the Missouri River reservoir system holds 36.3 million acre-feet of water. That's about 200,000 acre feet shy of the target set by the U.S. Army Corps of Engineers for the spring rise.

With no significant moisture

in the forecast and no significant inflow of snowmelt expected in the next two days, corps officials on Monday said the first rise will probably be scrapped.

"We're a little under, so right now it doesn't look like we're going to get there," said Larry Cieslik of Omaha, chief of water management on the Missouri for the corps.

Biologists have said the "spring rise" — intended to mimic the river's natural flow before it was dammed for navigation and flood control — is critical to survival of the pallid sturgeon. They say the artificial rise may trigger a spawning instinct for the fish that apparently stopped reproducing naturally in the wild decades ago.

Making the releases contin-

gent on reservoir levels was intended to appease recreation interests in the Dakotas and Montana, where years of drought have dropped the man-made water bodies to historically low levels.

Farmers who work the banks of the Missouri in Nebraska and Iowa oppose spring rises at any time, concerned that the higher releases could exacerbate the flooding that they sometimes get after major rainstorms.

Corps officials won't make the final call on canceling the March 1 rise until Wednesday at 10 a.m. Even if the March 1 rise does not occur, it's still possible that the second rise, in May, could occur if reservoir levels were to improve.

Continued drought could push the pulses back to 2007. Either way, corps spokesman Paul Johnston said, the corps remains committed to ultimately making the pulses a reality.

This report includes material from the Associated Press.

OMAHA DAILY HERALD FOUNDED 1865
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Omaha World-Herald

JOHN COTTSCALK, *Publisher*

LARRY KING, *Executive Editor* GEITNER SIMMONS, *Editorial Page Editor*

Secret loopholes

Commendable legislation to strengthen Nebraska's open-meetings law would be even better if it would go further in preventing far-ranging proposals from emerging fully formed from behind closed doors.

Legislative Bill 898, recently readied for first-round debate, would take several steps to make public officials more accountable for what they do in executive sessions. The public also would gain more leverage to pursue violations.

Senators would do well to pass the bill. The public value of open-meetings laws has been proved many times in governing the operations and management culture of public bodies such as county boards, city councils, school boards, the University of Nebraska Board of Regents and natural resources district boards.

However, LB 898 could be improved. The measure leaves intact a statute that says closed sessions "may be held for, *but shall not be limited to*, such reasons as: . . ."

Four types of subjects appropriate for closed sessions follow: legal matters, security measures, criminal investigations and job performance. The bill also says a public board may not discuss in private how to replace departed board members.

But the filling of its own vacancies is the only subject a Nebraska governing board may not discuss out of the public's earshot.

Consider the example of Omaha Public Schools. Because of the current loophole involving discussion topics for closed meetings, the OPS board was able to draw up its "one city, one school district" plan in closed sessions during three meetings before its adoption.

The stated subjects for those sessions were OPS' student-assignment plan and the system's ongoing school-funding lawsuit. Both were at best indirectly related to

Open-meetings law in Nebraska would remain quite permissive even if senators approve LB 898.

the school takeover plan. Regardless of how one views the OPS plan, openness is a crucial aspect of school board governance.

As a practical matter, it wouldn't have mattered had the school board stated its true reason — or no reason at all. State law requires the reason for the closed session to be disclosed in the meeting's minutes — *after the fact*, in other words.

LB 898, sponsored by State Sen. Don Preister of Omaha, would tighten up that part of the law by saying a motion for a closed session must state the reason and subject. If the motion passes, LB 898 adds, the board's presiding officer immediately "shall restate on the record the limitation of the subject matter of the closed session."

In other beneficial changes:

■ Meeting agendas would have to be "sufficiently descriptive" so that the public is not kept in the dark about what is to be discussed.

■ A copy of the open-meetings law would have to be posted where those at the meeting could read it.

■ Failure during the meeting to object to an alleged open-meetings violation could not be used to dismiss a legal challenge to that action by an audience member.

Not every allegation of an open-meetings law violation is legitimate. A few such challenges can amount to unwarranted obstruction by a citizen disgruntled over a decision reasonably and legally arrived at. Still, wisdom as well as democratic tradition defends shining the light of day on government deliberations.

In Iowa, the open-meetings law lists 11 subjects for closed sessions instead of four, but only those 11 subjects can be taken behind closed doors in that state. Until Nebraska similarly limits its public bodies, bombshells by governing boards on this side of the Missouri River remain entirely possible.

State Environmental Trust Fund will take a lesser hit

3-1-06
BY JOE DUGGAN
Lincoln Journal Star

Lawmakers cooked up something sweet and sour Monday for environmentalists concerned about how money from the Nebraska Environmental Trust Fund should be spent.

Support for a proposed constitutional amendment that would protect the trust fund board's authority to distribute grants through a competitive process represents the sweet part of the compromise. The sour: \$2.76 million will be diverted from the fund in 2007 to help pay for pollution on University of Nebraska property near Mead.

The Appropriations Committee scaled back what could have been a more than \$8 million hit on the Environmental Trust Fund over two years to pay for cleanup at several Superfund sites and at the Mead campus. Gov. Dave Heineman has recommended using trust money for the projects.

But the Appropriations Committee tentatively agreed to use just \$2.7 million from the trust fund next year for the Mead project. The rest of the cleanup costs would come from state tax money and from a fund originally set up to pay for

waste treatment programs.

In addition, Appropriations Committee leaders have said they will support including language in a proposed constitutional amendment that would prohibit future legislatures from spending any of the trust money.

Monday's development is good news for applicants who are slated to get money for projects this year.

This month, the trust fund board released a proposed grants list that left blanks for the Superfund and university requests. Had the Appropriations Committee directed the trust to put figures in those blanks, other applicants in line to get money would have been forced to take less or shut out entirely.

The board will consider final approval of the list April 17 in Lincoln.

Reacting to the compromise Monday, trust supporters said they still would prefer to see no money removed from the fund for cleanup projects. But they regarded the compromise proposal as a better alternative than the original.

"My reaction is it could have been a lot worse," said Steve Moran, director of the Rainwater Basin Joint Venture in Grand Island, which has won trust grants in the

past.

Dave Titterington of Lincoln, chairman of the Nebraska Birding Trails Project, called the compromise "fair" under the circumstances. But he and Moran were enthusiastic about the opportunity to get constitutional protection for the trust's competitive grants process.

"That would be fantastic," Titterington said. An affiliation of conservation groups called the Friends of the Environmental Trust now will work to get the constitutional amendment through the Legislature and on the November ballot.

Senators are hoping to expand a constitutional amendment that deals with gambling funding (LR259CA) to include language protecting the trust from future raids by the Legislature.

Sen. Ed Schrock of Elm Creek has proposed language that could be added to the amendment. The nine citizen members of the trust board sent a letter to Schrock expressing their support for the amendment, said Mary Harding, the trust's executive director.

Reach Joe Duggan at 473-7239 or jduggan@journalstar.com. Staff writer Nancy Hicks contributed to this report.

Committee puts pressure on senators to discuss water fee

3-1-06
BY NANCY HICKS
Lincoln Journal Star

Appropriations Committee members Monday refused to put \$2.7 million into the budget plan for next year, money needed to pay about 250 farmers in the Republican River Valley not to irrigate.

But the decision doesn't mean the deal negotiated with the Bostwick Irrigation District to get more water into the Republican River is off.

The committee's tentative decision is intended to send a message to other senators that the Legislature needs to debate more than one plan to fund the water programs this year.

"We need to debate these issues on the floor," not try to solve them in committee, said Sen. Don Pederson, chairman of the Appropriations Committee.

The state Department of Natural Resources wants to release irrigation water from the Harlan County Reservoir into the Republican River and let it flow into Kansas to fulfill the terms of a river compact and fend off a possible lawsuit. The \$2.7 million is the cost of the plan.

If funding isn't part of the committee budget plan, senators will have to include the money in other bills, thus creating pressure to debate those measures.

Senators probably will have two options to debate this year.

One plan, by Lincoln Sen. Chris

Beutler, eventually would rely on a water use fee system to pay for future water-related work, including paying irrigators not to use water. Beutler, a member of the Appropriations Committee, persuaded committee members to delay a decision on the \$2.7 million Republican River funding as leverage to get debate on his plan.

The other plan, by Sen. Ed Schrock and the Legislature's Natural Resources Committee, would earmark \$5 million in state tax dollars for rural water programs next year and \$5 million for urban stormwater projects, tying both needs into one bill.

Schrock said he was discouraged by the wrangling over how to pay for irrigators' water problems and by Beutler's latest move to get his water fee plan before the full Legislature.

The Natural Resources Committee killed Beutler's original water fee plan. But Beutler is hoping to build the idea into another related bill that is expected to be debated by the full Legislature.

"He's bound and determined we're going to tax ag land a little higher," Schrock said of Beutler's water fee plan. If senators want to make irrigators pay water fees, then they need to reduce the property-tax burden, Schrock said.

But Beutler has said he doesn't think state tax dollars should be used to pay irrigators not to irrigate.

And he believes irrigators should help pay for solutions to the ag sector's heavy reliance on irrigation.

Beutler said he is willing to use state tax money to fund irrigation-related programs for the next two years, including the \$2.7 million Bostwick program, if there is a fee system in place to pay for future work.

"If we have this debate on the floor, I will do whatever the Legislature decides we should do," said Beutler.

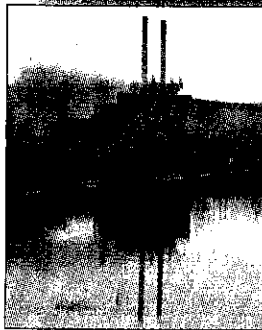
Beutler called the Schrock plan to tie rural and urban water problems together a "you scratch my back, I'll scratch your back" solution.

Larger communities, under a federal mandate to reduce stormwater run-off and the pollution that run-off sends into streams and rivers, have tried unsuccessfully to get senators to allow them to create a fee system to pay for stormwater projects.

Beutler said the Schrock plan, with its \$10 million price tag, "is going to push us irretrievably into the general fund (state tax dollars)" for solutions to the state's irrigation problems.

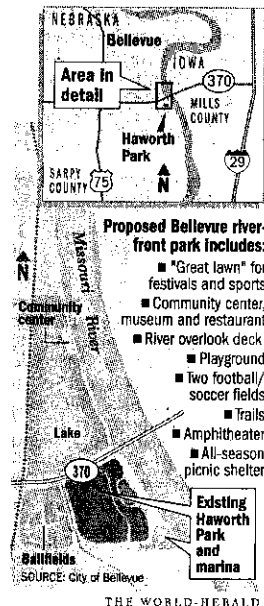
Beutler said his plan would give the Legislature "a path out of this that doesn't allow for an endless commitment of general fund dollars."

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



Design consultants on Thursday presented a master plan for riverfront development in Bellevue north of Haworth Park. The project could take 20 years and more than \$20 million.

Bellevue riverfront development plan



Bellevue's dream park draws from wish list

3-3-06
BY CHRISTOPHER BURBACH
WORLD-HERALD STAFF WRITER

A lake and a new Bellevue University baseball stadium would anchor a city park on Bellevue's Missouri Riverfront, under a proposal made public Thursday.

The master plan for the area around the former Kramer Power Plant calls for a community center, a historical museum and an all-season picnic shelter. Light sculptures and other art will evoke the history of Bellevue and the site.

Attractions will also include an amphitheater, a skate park, a public dock and a fishing pier. There will be a "great lawn" for festivals and sports, as well as trails and ornamental prairie grasses.

It could take 20 years and more than \$20 million to complete the project. But it would be undertaken in phases, parts of which could be done sooner and for much less money, city officials and consultants

said.

The plan puts pictures to Bellevue's long-held wishes for improving the site of the former coal-fired electricity plant, idle since the late 1980s. The Bellevue City Council, expected to consider the plan this month, soon could be fishing for money to make the wishes come true.

City officials said they would seek government and private grants in addition to city funding.

"I just wish that we could wake up tomorrow and have this be reality," said Bellevue City Councilman David Sanborn. He was among about 25 people who listened as RDG Planning and Design consultants presented the park master plan Thursday at the Bellevue Volunteer Fire Training facility.

The city hired RDG in August to produce a plan for the site, north across Highway 370 from Haworth Park, near the Bellevue

See Kramer: Page 2

Kramer: Dirt needed for project will allow for lake

Continued from Page 1
Bridge just east of Olde Towne Bellevue.

What the consultants announced Thursday, after a series of meetings seeking public and city input, was a "final" plan, although it requires City Council approval and still could be subject to changes.

Many elements in the plan came from the public wish list.

The lake was a new concept. RDG landscape architect Dolores Silkworth told the group Thursday that the 9½-acre body of water would be the main organizing component and anchoring feature of the park. She called it an economic and aesthetic plus.

A trail would loop around it, passing picnic shelters and a large playground. A lawn stretching from the lake to a complex of buildings could accommodate festivals, Frisbee tossers and junior sports. Plantings and parking would surround the area.

Why create a lake by a river?

For one thing, digging a lake pit would provide a source for the large amount of dirt needed to create the rest of the park, Silkworth said.

Soil is needed to better cover and reshape an old landfill where ash from the power plant was buried. The rubble of the old plant — which was imploded on itself — and abandoned coal

needed to be covered, too.

Swimming would not be allowed in the lake because of water-quality concerns, but a beach would provide a spot for sunning. Silkworth said she can envision paddle-boaters pedaling across the water.

Work on lake excavation, trails, the great lawn and some plantings could start within a couple of years, said Phil Davidson, the City of Bellevue's special projects coordinator. He noted that a trail more than a mile long is already in place.

But Davidson said the first feature to be built might be a 2,000-seat baseball stadium that would give the Bellevue University Bruins a new home field.

Bellevue University wants a new stadium by fall 2007 and is a funding partner with the city for the park, Davidson said.

The stadium and its parking would displace popular youth football and soccer fields. Those would be moved north across Highway 370.

Those who attended Thursday's session liked what they saw.

"It's great," said Megan Lucas, director of the Bellevue Chamber of Commerce.

She singled out for praise the lake and skate park, saying they create the potential for all-ages fun that will help Bellevue take advantage of a beautiful stretch of riverfront.

NRD in southeastern Nebraska debates ban on new well drilling

3-3-06

By PAUL HAMMEL
WORLD-HERALD STAFF WRITER

TECUMSEH, Neb. — Another area of the state, this one in extreme southeastern Nebraska, is looking at a moratorium on drilling new irrigation wells because of concerns over groundwater depletion.

If the Nemaha Natural Resources District, based in Tecumseh, adopts a moratorium, it would be the first district in eastern Nebraska to adopt such a ban.

Currently, 13 of Nebraska's 23 natural resources districts have adopted full or partial moratoriums on new wells. All of them are generally west of York.

Bob Hilske, general manager of the Nemaha NRD, said that while his district as a whole doesn't have a lot of groundwater, the areas that do have seen a dramatic increase in well drilling.

The other 13 NRDs that have adopted moratoriums are all west of York.

Between 70 and 80 new well permits were taken out in the past year, he said, giving the district about 400 irrigation wells.

Hilske blamed drought in recent years and fear of a statewide moratorium on new irrigation wells for the increase.

"If we were in a wet cycle, maybe this wouldn't be happening."

Hilske cited areas east of Auburn and near Talmage as of particular concern because of the effects on domestic and public water supply wells.

A two-year moratorium on well drilling is being proposed, he said. That would give the district time to study how

groundwater is used and whether new restrictions, such as spacing requirements for wells, should be adopted.

The Lower Loup NRD, based in Ord, recently adopted a two-year moratorium for some of the same reasons, said Dean Edson, executive director of the Nebraska Association of Resources Districts.

It allows for a "temporary timeout" to further study groundwater use and decide whether a permanent moratorium or less stringent measures are needed, he said.

The Nemaha NRD board, at its 7 p.m. Thursday meeting in Tecumseh, will decide whether to call a public hearing to consider a moratorium.

The earliest a ban could go into effect would be May 15, Hilske said. Variances, he said, would be possible in less developed areas.