

MEMORANDUM

TO THE BOARD:

SUBJECT: General's Manager Report

DATE: October 4, 2005

FROM: Steve Oltmans, General Manager

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

B. **MISCELLANEOUS/PERSONNEL ITEMS**:

1. **Martin Cleveland**, Construction Engineer, attended the 2005 American Public Works Association Public Works Congress and Exposition, September 11-14, 2005, held in Minneapolis, MN. Attached is a memo indicating the sessions attended at the conference.

2. Attached is a letter from John Boyer, Chairman of the Greater Omaha Chamber of Commerce, thanking the GM for participating in the Chamber's September 13-14, 2005 trip to Washington, D.C. Also attached is a letter from John Gale, Nebraska Secretary of State, who also participated in the Chamber's D.C. Trip.

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

D. **CURRENT AND ON-GOING PROJECTS – P-MRNRD LEGAL COUNSEL**: Attached is a copy of the current and on-going projects for District Legal Counsel, Paul Peters, as of September 19, 2005. I would ask each Director to review this listing. If you have any questions, please feel free to contact me.

E. NEWS CLIPS:

- ➔ September 8, 2005, Omaha World Herald Article – Papillion moves to ease ‘dire need’ for parkland
- ➔ September 10, 2005, Omaha World Herald Article – Property owners say judge rushed decision allowing dam project
- ➔ September 12, 2005, Omaha World Herald Article – Saddle up and bike, Omaha urged. Pedaling to work eliminates gas costs and boosts health, a local club says.
- ➔ September 17, 2005, Omaha World Herald Midland Voices – New water standard is absurd, ill-advised, written by Dean Edson, NARD Executive Director
- ➔ September 19, 2005, Omaha World Herald Article – Canoeists on Elkhorn see happier landings. Construction begins this fall on a site that will make it safer to enter and leave the river near Waterloo.
- ➔ September 19, 2005, Omaha World Herald Article – Festival provides warnings on water. Fun family activities are also offered at the World O! Water celebration.
- ➔ September 20, 2005, Omaha World Herald Article – Omaha will expand its lead fight. Union Pacific gives \$500,000 to campaign
- ➔ September 20, 2005, Omaha World Herald Public Pulse Letters:
 - Rein in the NRD written by Max C. Meier
 - Unwise spending written by Shawn Melotz
- ➔ September 22, 2005, Omaha World Herald Article – Prospect of ban on new wells triggers ‘frenzy’ of drilling. The state’s water law will seek to protect overtapped suppliers.
- ➔ September 29, 2005, Omaha World Herald Midlands Voices – New water standard reflects compromise written by Steve Huggenberger, Don Kraus, Dennis Strauch and Chad Smith (this is a response to an editorial written by Dean Edson that was published on September 17th)
- ➔ September 29, 2005, Omaha World Herald Article – New public works chief embraces challenge. Coordinating street, utility work a priority.
- ➔ September, 2005, MAPA Newsletter, Happenings around the Region – Article regarding City of Bellevue’s Missouri River Park Restoration Project.

➔ October 5, 2005, Omaha World Herald Article – Water rules won't kick in, A state official says usage is not out of balance with supply in seven of the state's 13 watersheds.

/pt/SO/GM Reports/2005/October

September 2005

Information & Education Report

Information

- ◇ Continued work on permanent exhibit for NRC Visitor's Center
- ◇ Planned and attended Dakota City Office dedication
- ◇ Published Annual Report in Omaha W-H
- ◇ Began work on Fall 2005 SPECTRUM
- ◇ Prepared display for NARD Conference
- ◇ Began work on preparation of booth at Omaha Boat Sports and Travel Show
- ◇ Continued Imaging of Information files

Education

- Organized volunteers for Water Quality Open, and presented Education program at one of the holes
- Held teacher training in Project Learning Tree and Project Water Education for Teachers—trained 15 pre-service teachers
- NRD representative for the World O! Water Festival at Chalco Hills
 - Presented NRD/Bird house program
 - Worked with Kendra Sullivan from KOB to organize event
- Managed 110 volunteer hours
- Attended NARD annual Conference
 - Put together silent auction item
 - Assisted with display
- Continued to plan fall field trips and NRD programming
- Continued working with Nebraska Pheasants Forever on Leopold Education Project workshops for 2006
- Continued promotion of NRD outdoor classroom grants
- Started planning for Summit Lake Field Day
- Met with Bob Bodnar about photographs for the permanent display
- Designed and printed name tags for September Board Meeting
- Printed and mailed Cultivation newsletter to District Teachers and Curriculum Specialists

MEMORANDUM

TO: The File

FROM: Martin P. Cleveland

SUBJECT: 2005 American Public Works Association (APWA) Public Works Congress and Exposition

DATE: September 19, 2005

On September 11 – 14, 2005, the writer attended the APWA Public Works Congress (Convention) held in Minneapolis, MN. This Congress is a yearly event held with concurrent education sessions and several general sessions. In addition, there was an exposition with approximately 450 exhibitors (Consultants, equipment suppliers, etc.). The Congress had several thousand attendees from U.S. and Canada. The writer attended the following sessions:

1. Budgeting for Outcomes: A Radically Different Approach in Age of Permanent Fiscal Crisis by Peter Hutchison, Public Strategies Group.
2. Consultant Errors/Omissions – Who Should Pay? By Scott Crain, City of Merriam, KS.
3. Crucial Conversations: Tools for Talking When the Stakes are High by Joseph Grenny, Vital Smarts.
4. Mobile GPS Data Collection for Infrastructure Management by Carl Mart, Roadware Group.
5. Get Your Point Across Using Powerpoint by Brent Paloutzian, APWA.
6. ROW Control Through Fees by Jerry Tapscott, City of Kansas City, MO.
7. Technologies and Policies for Pipeline Assessment and Rehabilitation by Robert Mckim, Parsons.
8. 2005 + (The Future of Employees, Leadership) by Roger Herman, The Herman Group.
9. Rain Gardens as Part of Stormwater Management Program by Chris Carett, City of Maplewood, MN.
10. Justify the Existence of Your Ditch Maintenance Budget by Lamont Curtis, Parsons.
11. The Lean Revolution in Construction is Here! By Paul Reiser, The Boldt Company.
12. Powerful Business Writing by Beth Bednar, National Seminar Group.
13. Rules of the Red Rubber Ball by Kevin Carroll.

CC: Steve Oltmans, Marlin Petermann and Pat Teer



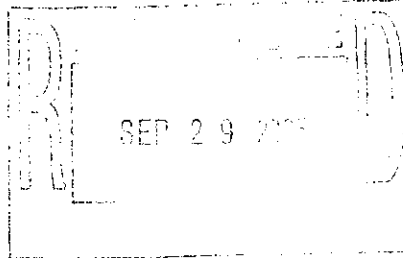
STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

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September 28, 2005

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



Dear Steve,

Just a note to say how much I enjoyed our experience together on the Omaha Chamber D.C. trip! It was a great trip, with a terrific agenda of interesting meetings, and some very special places to go. Like you, I do travel to D.C. on regular occasion, but I have never packed as much into two days as was accomplished on this trip. The highlights were certainly the elegant dinner at the National Museum of the American Indian, the Nebraska Breakfast, the congressional briefings and, for me, the personal colloquy with fellow Nebraskans Secretary of Agriculture Mike Johanns and Deputy Undersecretary of Agriculture Merlyn Carlson. Lunching in the LBJ Room, for those of us who remember LBJ, brought back many memories of a turbulent time in America, but also the endurance and strength of our democratic institutions through it all.

Peter Festersen and Dacia Kruse did an outstanding job of organizing and leading this delegation. Whatever questions we had, they had answers and explanations, as well as providing good humor, infinite patience, and sound leadership skills. Other staff members contributed equally to the success of the trip, and were very gracious and attentive through two busy days. Tim Stuart gets my "gold star" award because he seemed always to be available to keep me on track!

As Nebraska Secretary of State, I am involved in several different programs with the U.S. Department of State, from the Fulbright Scholars Orientation Program, to the Councils of International Visitors, to International Election Observers, to my biannual Diplomatic Conference. I really appreciated the opportunity given to me to spend time at the U.S. Department of State on Wednesday morning before the lunch at the Occidental Grill. It was a helpful meeting.

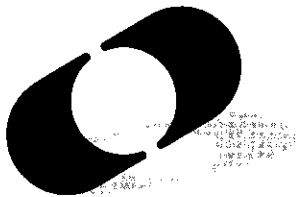
I hope the trip bears fruit for the Omaha Chamber and for the many businesses it serves. I enjoyed meeting the many delegation members, and felt that the cooperation and fellowship of the delegates was a very positive intangible for everyone. While maybe at times exhausting, the trip was mostly exhilarating!

With best regards,

John A. Gale
Secretary of State

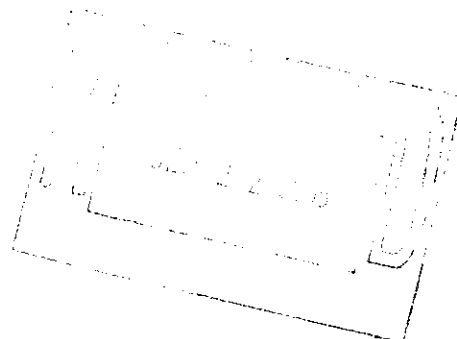
Kc

Enjoyed our visit!



GREATER OMAHA CHAMBER OF COMMERCE

September 21, 2005



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

Dear Steve,

Thank you so much for participating in the Chamber's trip to Washington, D.C. We hope you found the experience as enjoyable as we did.

All in all, we believe the trip was a great success. It provided all of us with an opportunity to learn about issues impacting the metro area, to strengthen relationships with our federal officials, and to foster member-to-member relationships.

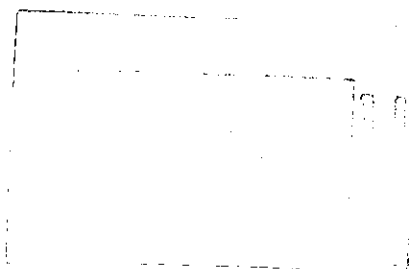
We had a full schedule, but we hope that you enjoyed visiting the nation's capital. We plan to make this an annual event, and as such you will soon be receiving via e-mail some questions asking for your views on this trip and for any suggested improvements.

Again, thank you for being with us.

Sincerely,

John Boyer
Chairman

David G. Brown
President and CEO



Updated: September 19, 2005

Current and On-Going Projects P-MRNRD Legal Counsel

- ⊕ = **Top Priority**
- F = Future Work – No Assignment
- N = New Assignment
- O = Others Handling
- W = Work in Progress
- P = PFP's Portion Completed

- **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)
 - Interlocal Agreement with Sarpy County and Bellino (P)
 - ⊕ Trib Crossing Contract with EGA (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 (W)
- **Missouri River Corridor Project** (Becic):
 - California Bend – Appeal District Court ruling on Wright's tenant (Arp) (W)
 - ⊕ Lower Decatur Bend – Purchase Agreements for Tobin, Williams & Olson (N)

- **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)
 - ★ Amendment to Pigeon/Jones Site 15 contract w/Olsson (W)

- **Papio Watershed Dam Sites** (Woodward/Petermann):
 - Dam Site 19 agreement (F)
 - DS 13 Closing with Lyman-Richey Corp (P)
 - ★ DS 13 Agreement with Elkhorn and Omaha (W)
 - ★ DS 13 Easement with Metro Community College (P)
 - ★ DS 13 Lyman Richey Closing (W)
 - ★ Shadow Lakes Agreement with SIDs (W)
 - ★ Shadow Lakes Oversight/Review Agreement with HDR (W)

- **Papio Creek Watershed Partnership (Stormwater)** (Woodward):

- **Rural Water Projects:** (Sklenar)

- **Elkhorn River Public Access Sites** (Sklenar):

- **Other:**
 - ★ Heron Haven Agreement with “Friends of Heron Haven” (Becic) (W)
 - ★ Elkhorn River – Graham Easement (N)

Papillion moves to ease 'dire need' for parkland

By JOE DEJKA

WORLD-HERALD STAFF WRITER

The City of Papillion acquired 36 acres for new sports fields Tuesday, the city's second major acquisition in a month.

The land was bought to ease pressure on existing ballfields.

Councilman T.J. Heinert said the purchase will address a "dire need" for park space.

Papillion Mayor James Blinn said demand for practice fields forced some teams to stake out green space around town and practice by car headlights.

9-8-05
Tuesday night, the Papillion City Council voted to pay \$700,000 to acquire the 36 acres from Stephen and Cheryl Dlouhy of Council Bluffs. The land lies north of Lincoln Street, between the Pro's Choice golf driving range and Papillion's City Park.

Last month, the council voted to buy the 26-acre Pro's Choice range north of Lincoln Street at Cheyenne Drive for \$810,000.

The two purchases expand the city's total park land by 24 percent.

The purchase creates, in ef-

fect, a continuous city park along the Papillion Creek from 72nd Street to near 96th Street. Plans call for a road linking City Park to the new properties.

A preliminary design for the new park areas shows six soccer fields and four baseball or softball diamonds. Blinn said, however, that the design hasn't been finalized.

"It very well could end up being that way, but we'll still have discussions before that's determined," he said. "We're going to look at what the greatest de-

mand is, and solve that problem first."

Papillion City Councilwoman Lu Ann Kluch joked that the purchase is likely to test the phone system at City Hall as residents call in their preferences for fields to accommodate their favorite sport.

Because the Pro's Choice property is seeded, lighted and has sprinklers, it could accommodate some practices right away, Blinn said. Soccer fields could be put in quickly, he said, but baseball fields will take more time and money.

Property owners say judge rushed decision allowing dam project

BY JOE DEJKA

WORLD-HERALD STAFF WRITER

Property owners who sued to stop a dam project near Papillion have appealed a judge's decision allowing the project.

Attorneys for the Washington County property owners say Sarpy County District Judge George Thompson rushed the case to trial, giving them little time to prepare, and then prejudged the case.

The five couples sued the Papio-Missouri River Natural Resources District on June 10, claiming that the district was unlawfully spending public money on two dams in the 430-acre Shadow Lake housing project at 72nd Street and Schram Road.

The couples claim that the two dams creating Midlands and Shadow Lakes would primarily benefit the developer but offer little benefit to the public.

The housing development is adjacent to the Shadow Lake Towne Center shopping center, under construction at 72nd Street and Nebraska Highway 370.

The same couples previously sued to stop a public-private dam project at 192nd Street and West Dodge Road. Attorneys for the NRD and developer questioned the couples at trial, asking whether their motivation was to stop a future dam project in Washington County.

At trial, Thompson repeatedly reined in the plaintiffs' attorneys, LeRoy Sievers and Kevin McManaman, steering them away from certain lines of questioning. At one point, the judge forbid McManaman from raising objections and threatened to kick him out of the courtroom if he did.

Thompson abruptly ended the trial after the property owners presented their case, but before lawyers for the NRD and developer had finished their case.

This week, property owners appealed Thompson's Aug. 10 decision that let the NRD partner with private developers to construct the two dams. The district's share of the cost would be \$3.3 million.

The appeal was filed after Thompson on Aug. 26 denied their request to have the judge remove himself from the case and have a different judge consider whether a new trial was warranted.

Thompson, contacted Friday, said he cannot comment on a case that's on appeal.

In their motion asking Thompson to remove himself, attorneys for the neighbors said it appeared to them during the trial that the judge was acting "in the dual capacity of judge and advocate." The lawyers said they didn't have enough time for the discovery process, which involves acquiring records and taking depositions before trial.

They said the judge's actions violated the Nebraska Judicial Code of Conduct.

The appeal also contends that Thompson's ruling allowing the partnership was incorrect.

The dam case is not the first time residents challenging a large development project have complained about Thompson's speed in taking a case to trial.

A group of neighbors who sued to block a Wal-Mart shopping center at 72nd Street and Giles Road complained that their case, in which Thompson ruled against them, had been rushed to trial.

Saddle up and bike, Omaha urged

■ Pedaling to work eliminates gas costs and boosts health, a local club says.

BY NICHOLE AKSAMIT
WORLD-HERALD STAFF WRITER
7-12-05

Amid rising gas prices and increasing obesity rates, an effort is afoot — or, rather, a-pedal — to make Omaha a more bike-friendly place.

The Omaha Pedalers Bicycle Club and several area planning and recreational organizations have invited the League of American Bicyclists to lead a planning workshop in Omaha Oct. 19.

The club and others asked the league last year to designate Omaha a bicycle-friendly community. Although the city won praise for its recreational trails, Omaha didn't measure up when it came to encouraging people to pedal to work and thus didn't

Top-rated cities for two-wheeling

League of American Bicyclists' gold level Bicycle-Friendly Communities: Boulder, Colo.; Corvallis, Ore.; Palo Alto, Calif.; Portland, Ore.

Bicycling magazine's Best Cities for Bicycling: Overall: Portland, Ore.; cities in Omaha's size category (200,000 to 500,000): Denver; Madison, Wis.; and Tucson, Ariz.

earn the designation.

Club President Steve Schnitker said one problem with biking in Omaha traffic is that so few people do it. Drivers aren't used to sharing streets

with cyclists, and biking can be uncomfortable, or even unsafe.

"It is a bit of a chicken-and-egg problem," said Andy Clarke, executive director of the Washington, D.C.-based League of American Bicyclists.

But Clarke, who will lead the Omaha workshop, said other cities have overcome the problem in part by hosting annual rides that introduce people to biking on city streets.

"Part of it is overcoming the mentality that people shouldn't be riding on the streets," he said. With a little education on doing it safely, he said, people can and should bike to improve their health and save money.

Clarke said he hopes some of the city's political movers and shakers will attend and act on ideas from the workshop.

High gas prices already appear to be fueling some commuter interest.

See Bikes: Page 2

Bikes: Omaha urged to be a friendlier place to ride

Continued from Page 1

Greg Paskach, associate manager at Highgear Bike & Outdoor, said the La Vista bike shop has seen a surge in two types of customers in the past two weeks: those seeking commuter bikes (as opposed to trail or racing bikes) and those taking steps to spruce up dusty old cycles that

haven't left the garage in a while.

"They're bringing bikes in for tuneups, tires, lights to make sure they're good to go if they use it three times a week to get to work," he said.

Forty-nine cities, none of them in Nebraska or Iowa, boast the league's bicycle-friendly designation, which stays in effect for

two years.

Clarke said Omaha's bike commuter rate is below the national average, which is about 0.4 percent, according to journey-to-work data from the U.S. Census Bureau. Award-winning biking cities such as Portland, Ore., he said, tend to have rates of 2 percent or more.

"It's really not that much more," Clarke said. "But I think when you get to the point where Portland's at, there's a different sense in the community. You just see more bikes around."

Omaha's not there yet, he said. But it could be — "especially when high gas prices and obesity epidemic provide that trigger."

New water standard is absurd, ill-advised

BY DEAN E. EDSON

*The writer, of Lincoln, is executive director of the
Nebraska Association of Resources Districts.*

The recently approved new water rule, also called the 10 percent/50-year standard, has been presented as being the best for the state. However, the rule overlooks involvement of logical, local solutions to the issue. Some comments and issues also need to be clarified.

Foremost, I want to point out that the 23 natural resources districts (NRDs) are political subdivisions charged to manage the state's natural resources, except surface water, within their jurisdictional boundaries. These boundaries follow the river-basin boundaries.

Next, I want to set the record straight regarding the local NRD positions on the issue. At a recent meeting of the Nebraska Association of Resources Districts, the board members approved a resolution on a 21-0 vote to oppose the 10-50 rule being used to determine whether a basin is fully appropriated or not. We supported the continued use of the 28 percent/40-year rule.

Here are several reasons why:

The State of Nebraska long has used a 28-40 rule to resolve many issues, most recently in 2004 to determine fully appropriated and overappropriated basins in the Platte River. The rule has been used in extensive discussions to develop Nebraska's new depletion plan for the Platte River Cooperative Agreement and, in fact, is the rule used in that plan.

It also has been used by the State of Nebraska and the NRDs to set up well-drilling suspensions in the Platte River basins and has been used for the settlement agreement in the Nebraska v. Wyoming water suit.

The main reason the NRDs opposed the 10 percent/50-year rule is that it ignores the jurisdictional river-basin boundaries of the NRDs and provides no guidance to address the overlap it creates between NRD boundaries.

For example, a 10-50 line drawn for the Loup River Basin goes outside the basin boundary by a significant amount. To the south, the line goes across the Platte River basin and reaches down into the Republican and Blue River basins. To the north, it extends into the Niobrara and Elkhorn River basins. Not one of these basins drains into the Loup.

However, supporters of the rule want all water users inside this 10-50 area, including municipal and industrial users, to pay a depletion fee and-or water offset to the Loup River basin while paying the same fees and offsets to the Platte, Republican, Blue, Elkhorn and Niobrara basins.

When similar 10-50 lines are drawn for the Platte, Republican, Elkhorn and Niobrara basins, the lines overlap each other. After all the lines are drawn, water users could be subject to depletions and-or water offsets in multiple river basins — even those that do not drain to each other.

At this time, state water officials do not have guidance for the NRDs and local water users other than to assign blame if the plan fails. Also, the Legislature has taken away funding for development of water management plans.

Thus, the State of Nebraska is dictating a statewide water management plan without providing resources, authorities or leadership regarding the implementation of the plan. Based on these realities, this rule is absurd.

The 28-40 rule that is supported by the NRDs covers nearly every district's boundaries but does not extend beyond the jurisdictional boundary, except in a few isolated cases. The NRDs also have the authority to go beyond the 28-40 line to include the entire district in water management plans, if necessary. This has been implemented by several NRDs and has proved successful, as all users in the NRD are being treated equally.

We have offered to accept a 10-50 rule if it would not extend past NRD and-or basin boundaries. We feel this compromise is reasonable, realistic and politically workable. However, it was rejected by state water officials with a "we'll sort it out later" mentality. Nebraskans deserve better than that.

An Aug. 15 editorial stated, "Look beyond this year's water use to the water that will be needed by the grandchildren and great-grandchildren of today's Nebraskans. If the people of today don't look that far ahead, the questionable practices and the water mismanagement of the past win. And the new Nebraska, the Nebraska of the future and the people who populate it, lose."

I could not agree more. However, the state rules and standards to get to this policy must be reasonable, realistic and workable before water users can be expected to develop and implement such a plan. The local NRDs are more than willing to accept that responsibility if the state is willing to provide a sensible rule that respects jurisdictional boundaries and if the state provides resources and leadership.

Canoeists on Elkhorn see happier landings

■ Construction begins this fall on a site that will make it safer to enter and leave the river near Waterloo.

9-19-05
By CHRIS OLSON
WORLD-HERALD STAFF WRITER

Avid canoeist Mike McEvoy has long feared someone would be injured getting on or off the Elkhorn River near West Maple Road in western Douglas County.

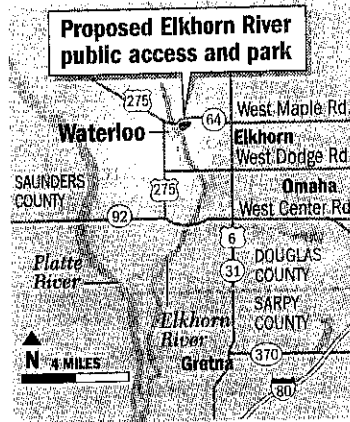
"I've even worried about the people standing by the passing cars and trucks on the bridge to watch the canoes," said McEvoy of Waterloo, Neb. "It's an accident waiting to happen."

That is about to change.

This fall, construction will begin on a \$183,000 canoe landing site that will make it easier and safer for canoeists to access the river just northeast of Waterloo. The landing site would be completed by May.

The 6.72-acre site was donated by Ed Robinson, whose family founded the Robinson Seed Co. in Waterloo. A grant from the recreational trails program of the Federal Highway Administration and funds from the Papio-Missouri Natural Resources District will pay for the development.

"This will be the program's



DEAN WEINLAUB
THE WORLD-HERALD

first grant for a water trail in Nebraska," said Michelle Stryker, outdoor recreation planner for the Nebraska Game and Parks Commission.

The only other developed canoe landing site on the Elkhorn River is nine miles upstream at Elkhorn Crossing Recreation Area, near 252nd Street and Bennington Road. Future developed landings on the river are under consideration at West Dodge Road and Q Street, Stryker said.

The Village of Waterloo,
See River: Page 2

River: Landing site would be finished by May

Continued from Page 1
whose board is expected to approve the project next month, will own and maintain the West Maple Road landing site. The area will include a 29-stall parking lot, public restrooms, picnic tables and a handicapped-accessible ramp to the river.

Plans for the shady site were developed by Thomas L. Benton of the Omaha architectural firm Beringer Ciaccio Denneil Mabrey. Special attention was given to preserving and replacing native trees, grasses and other vegetation.

"The site will be exclusively

for such nonmotorized watercraft as canoes, kayaks, rafts and inner tubes," Benton said. "No overnight camping will be allowed."

Robinson said he is pleased that motorized watercraft, which can scare away wildlife,

will not be permitted. McEvoy is glad the site will be completed in time for the 18th annual Great Waterloo Canoe Race fundraiser next August.

"The Waterloo landing will be a safe place for canoeists and their families to enjoy the river," he said.

Festival provides warnings on water

By MARION RHODES

WORLD-HERALD STAFF WRITER

A fly swatter may not allow you to kill as many bugs at once as a few squirts of insect spray.

And you may work a little longer to clean that burnt pot if you use a scrub brush instead of a chemical cleaner.

But those little sacrifices can make a big difference in the state of our water resources, people were told Sunday during a water festival at Wehrspann Lake in Chalco Hills.

The first World O! Water celebration at the Papio-Missouri River Natural Resources District center provided people with an afternoon of fun activities and a dose of information about water quality. While parents learned about water pollution and ways to reduce it, children watched raptor displays and canoe and fly-fishing demonstrations, or they threw wet sponges at towers of empty pop cans.

"Water is so important in our lives," said Cindy Smalley, executive director of Keep Omaha Beautiful, which helped organize the event.

Many daily activities affect water resources, and people need to realize that it is up to them to protect our streams, rivers and lakes, said Kendra Sullivan, the organization's education and program director.

Inside the resource center, Steve Tonn, Douglas/Sarpy County Extension educator, talked about the most common

pollutants in urban areas. Litter, herbicides, detergents and household chemicals make up large amounts of the contaminants that are washed down storm drains and end up soiling area rivers, he said.

"We don't often think about that runoff," Tonn said. "It comes from our property lots or our homes, our construction sites, schools."

Paul Dunn, the City of Omaha's recycling coordinator, told people about nontoxic alternatives to common household chemicals.

"The two best ones are probably in everyone's home already — vinegar and baking soda," he said.

Douglas and Sarpy County residents got a new way to dispose of harmful materials when

Under the Sink, Omaha's household hazardous waste facility, opened this summer at 4001 S. 120th St. The center also provides free leftover chemicals for people who just need a small amount for a project.

Victoria Welch of Omaha enjoyed the event, especially the information booths. "It's so interesting," she said.

Her 5-year-old son, Timothy, was more fascinated by the kids' activities. Together with his father, Patrick Welch, he tried to catch a plastic fish at the Backyard Bass Casting Clinic on the lawn outside the resource center.

"Timothy is here for fun," his mother said.

Organizers hope to make the water festival an annual event.

Fun family activities are also offered at the World O! Water celebration.



Max Jewell, 7, sees a falcon up close Sunday during a lecture by the Omaha Raptor Team. The exhibit, which also included an owl and other wild birds, was one of many presentations during a water festival at Wehrspann Lake in Chalco Hills.



RUDY SMITH/THE WORLD-HERALD

Aaron Havron, 3, shows skill with an oar during a canoe lesson from Keith Mentzen, right, in Wehrspann Lake during Sunday's World O! Water.

+

Omaha will expand its lead fight

9-20-05

By JUDITH NYGREN
WORLD-HERALD STAFF WRITER

Omaha announced Monday that it is expanding efforts to reduce lead exposure among children, with a \$500,000 donation from Union Pacific serving to kick-start the private-public campaign.

Omaha's Healthy Kids Alliance is a new nonprofit organization charged with moving lead abatement beyond the feder-

ally funded yard cleanup to a more comprehensive approach to eliminating lead, Mayor Mike Fahey said. One of its primary charges will be reducing exposure from lead paint.

Eastern sections of Omaha are designated as a federal Superfund site, opening the way for the Environmental Protection Agency to move in with a \$100 million-plus cleanup of contaminated soil. Hundreds of yards have been cleaned so far.

The Community Advisory Group, which is monitoring the EPA cleanup, has long maintained that Omaha also needs to address indoor sources of lead. That's where Omaha's Healthy Kids Alliance steps in, Fahey said.

The alliance still is in its formative stage. But once established, it is expected to provide education about contamination, as well as financial help for cleaning up lead not eliminated

by the EPA.

Nebraska's congressional delegation is working to secure federal money for the effort. The City of Omaha also could qualify for grants. Any additional money likely will come from private charities and organizations, said Joe Bateman with Union Pacific.

The Omaha-based railroad has been identified by the federal government as a contribu-

See Lead: Page 2

Lead: Union Pacific gives \$500,000 to campaign

Continued from Page 1

tor to outdoor lead contamination. As a result, the EPA is demanding that Union Pacific pay a share of Omaha's yard cleanup. The two sides continue to negotiate the exact amount of Union Pacific's liability.

Bateman said his company's contribution to the new alliance was unrelated to its talks with the EPA. Union Pacific has always maintained that lead paint poses the greatest contamination risk. And this initiative addresses that problem, he said.

Other cities that have taken a similar approach to containing indoor contamination have seen lead levels drop dramatically among children, Bateman said.

Ten years after launching its lead abatement program, New York reported an 82 percent drop

in new cases of children with elevated blood lead levels.

When Omaha officials accepted the Superfund designation, Fahey said, "we said it's all about the kids."

It still is, he said.

Rein in the NRD

In his Sept. 14 letter, John Schwope criticized the lawsuit by several Washington County landowners to block the Papio-Missouri River Natural Resources District from forming a partnership with a private firm to build a dam near 192nd Street and West Dodge Road.

Perhaps if Schwope would better represent the people who elected him to the NRD board, lawsuits would be unnecessary.

Many years ago, the Papio NRD provided the valuable service of protecting the citizens against flooding. After building a series of dams, the NRD apparently had extra tax dollars, so it decided to bless us with miles and miles of recreational trails.

Now, in addition to the trails, the NRD has decided to build a few more dams in questionable areas. It seems rather apparent to me and many others that this move would benefit real-estate developers a lot more than it would help flood control.

The Papio NRD has become a dangerous, uncontrolled organization and needs to be watched very closely.

Max C. Meier, *Papillion*

OWH

Public Pulse

9/20/05

Unwise spending

The letter by Papio NRD board member John Schwope proves that he does not fully understand the lawsuits filed against the NRD. Perhaps he should read the actual documents.

The landowners are concerned with the NRD's out-of-control spending.

Mr. Schwope believes the NRD is saving taxpayer dollars with public-private partnerships. How can this be true when these projects are not necessary in the first place?

It's like buying something on sale that you don't need.

Developers, not the NRD, should control the excessive storm-water runoff they create. Why should the landowners in Washington County pay for their lack of respect for the land?

Shawn Melotz, *Omaha*

Prospect of ban on new wells triggers 'frenzy' of drilling

■ The state's water law will seek to protect overtapped supplies.

By PAUL HAMMEL

WORLD-HERALD BUREAU

LINCOLN — A possible halt next year in the drilling of new irrigation wells has prompted a frenzy of drilling activity, particularly in the Elkhorn and Loup River basins of northeast and central Nebraska.

Whether there will be a moratorium won't be decided until the end of this year, but just in case, dozens of farmers are making the \$60,000 to \$90,000 gamble to sink a well and install a center-pivot system.

"We tried to avoid this feeding frenzy, but we couldn't figure out how," said Ann Bleed, acting director of the Nebraska Department of Natural Resources. "Farmers have figured out, 'We may not be able to put in a well next year.' So, bingo."

The reason is a new state water law that seeks to slow or halt development in areas where pumping from groundwater and streams has outpaced supply.

Most of the western half of Nebraska already is under such a moratorium to protect against depleting aquifers and drying up streams.

In areas along the Elkhorn and Loup Rivers, natural resources managers think their districts will be declared fully appropriated.

If that happens, a moratorium of three to five years would be placed on drilling new irrigation wells, while local natural resources districts determine whether enough water is available for existing uses.

There are people "who are essentially gambling and trying to beat the deadline," said Butch Koehlmoos, general manager of the Ord-based Lower Loup Natural Resources District.

"People are afraid if they don't do it right now, they won't be able to," said Brian Whitesel of Sargent Irrigation in Neligh.

The 16-county Lower Loup

Natural Resources District has seen almost a doubling of well-drilling activity. There have been 275 well-construction permits issued as of Wednesday, compared with 177 all of last year.

In the Lower Elkhorn Natural Resources District, based in Norfolk, about 270 well-construction permits have been taken out so far this year, compared with 221 last year.

The Upper Elkhorn district, based in O'Neill, has issued 139 new well permits, 19 more than all of last year.

Bleed said there's no guarantee that any of the districts will be declared fully appropriated, thus setting off a moratorium. Critical data in making that determination are pending from state university researchers, she said.

The well-drilling rush could damage water resources. If water use in an area is already at its maximum, she said, the new wells will push it past the limit. That could leave someone with an expensive new well that cannot be used.

New water standard reflects compromise

BY STEVE HUGGENBERGER, DON KRAUS,
DENNIS STRAUCH AND CHAD SMITH

Huggenberger is assistant city attorney for the City of Lincoln. Kraus is general manager of the Central Nebraska Public Power and Irrigation District. Strauch is manager of the Pathfinder Irrigation District in Mitchell, Neb. Smith is director of the Nebraska field office for American Rivers.

The executive director of the Nebraska Association of Resources Districts criticized the recent approval (Sept. 17 Midlands Voices) of a new standard for determining whether a river basin is fully appropriated. Don E. Falsen's comments ignored several pertinent facts.

The Nebraska Department of Natural Resources recently adopted the 10/50 standard for setting boundaries for a fully appropriated basin (where water supply equals water use). The numbers mean that a well that pumps for 50 years would pump 10 percent of its water from a hydrologically connected stream.

The Water Policy Task Force discussed at great lengths the standard for establishing the geographic area of connection between surface water and groundwater without reaching a consensus.

Another attempt to develop a standard by parties in a negotiated rule-making process also failed to reach a consensus.

While the NARD and other groundwater interests expressed support for a 28/40 standard, surface water proponents argued for a standard that required less than a 10 percent impact to a stream's flows. The 10/50 standard truly reflects the DNR's compromise between surface water and groundwater interests. To those who depend on surface water flows, this is not an insignificant amount.

The NARD's support for the 28/40 standard was based on the assertion that the state has "long used a 28/40 rule to resolve many (water-related) issues." The 28/40 line was used to establish the overappropriated area of the Platte basin.

When that line was established, the state also designated the rest of the affected natural resources district as fully appropriated and required that offsets be made for any new depletions originating outside the 28/40 line. It should be noted that the state never has used the 28/40 line to establish fully appropriated basin boundaries.

Also, rules affecting more than one river basin are not unprecedented. In the Republican basin, the State of Nebraska uses a model that exceeds the 10/50 standard, evaluating water use all the way to the Platte River. These impacts are considered when developing management plans for the Republican basin.

Many NRD boundaries were established in the early 1970s on the basis of surface water basin boundaries (although one NRD includes three different basins and another includes two basins).

At that time, there was little consideration for the extent of the interconnection between groundwater and surface water because groundwater development had not yet escalated to the level seen today. Studies

over subsequent years established that the connection between groundwater and surface water extends well beyond the artificial boundaries designating individual NRDs' jurisdictions.

Recent comments by representatives from some NRDs suggest that this scientific information should be ignored rather than form the basis for a cooperative approach by the NRDs to address groundwater/surface water interaction that may extend beyond an NRD boundary.

We know today that a groundwater well can impact more than one stream. With our more developed understanding of the interaction between surface water and groundwater in Nebraska, the offset requirements for a well affecting two streams (based on the latest scientific

The 10/50 standard could be considered a concession by surface-water interests.

information) could be divided between the two streams rather than assigning the full offset requirement to one stream.

The 10/50 standard could be considered a concession by surface-water interests, which bears the question: Would groundwater users agree to reduce their consumption of water by the same amount over the next 50 years?

The 28/40 standard is simply insufficient to protect water that flows in our streams, fills our reservoirs and is the source of so many benefits to Nebraska, particularly when the inevitable drought exacerbates the impacts of overdevelopment of our groundwater resources.

Returning to the driving force behind this issue, Legislative Bill 962 was designed to achieve two primary goals: (1) address areas in the state in which water supplies are already overappropriated and bring those basins back to a fully appropriated status, and (2) develop a proactive approach to avoid future conflicts between groundwater and surface water users.

The DNR's rule-making process is intended to help the state reach the second goal. Nebraska is best served by developing a more conservative standard for determining fully appropriated basins if it is to have any chance of achieving that goal.

If, in the future, the Legislature is willing to financially obligate the state's taxpayers for the cost of paying to retire irrigated land after water supplies have been overdeveloped, then we believe an argument might exist for relaxing the 10/50 standard.

We agree that it is wise to plan now for the long term, a sentiment echoed in an Aug. 15 editorial. The editorial stated: "Look beyond this year's water use to the water that will be used by the grandchildren and great-grandchildren of today's Nebraskans."

New public works chief embraces challenge

9-29-05

By MICHAEL O'CONNOR
AND TOM SHAW
WORLD-HERALD
STAFF WRITERS

Bob Stubbe says he knows his performance as Omaha's new public works director won't be judged only on how quickly major street construction is finished.

The little things, he said, also will define his success.

Potholes and snowy neighborhood streets are equally important to the public, Stubbe said.

He said evaluating the city's

snow removal plans and looking for possible improvements will be a top priority.

Another key issue will be carrying out recommendations from a city task force that made recommendations for speeding up road construction projects.

Stubbe, a top official with the



Stubbe

Metropolitan Utilities District, will take over the city post Oct. 17.

As public works director, Stubbe will be in charge of the city's street construction and maintenance, snow removal and wastewater treatment.

Stubbe, 52, has been with MUD for 29 years and is the utility's vice president for engineering and construction.

He will be Omaha's highest-paid city employee.

His annual salary will be \$130,000. That beats the

\$127,324 salary of City Attorney Paul Kratz, who has been the highest-paid.

Stubbe's salary is more than \$30,000 above the salaries paid to recent public works directors Hank Vieregger and Norm Jackman. Vieregger, a long-time city employee, retired last week after nine months as public works director. Vieregger took over for Jackman, who resigned in January.

Mayor Mike Fahey said Stubbe's pay matches his experience and was meant to be
See Stubbe: Page 2

Stubbe: Coordinating street, utility work a priority

Continued from Page 1
competitive with the private sector. Stubbe earned a salary of \$117,000 with MUD.

Fahey said a major part of Stubbe's job will be to oversee the coordination of city street projects and utility projects. A World-Herald investigation last year revealed that a key factor in the slow pace of street construction was poor coordination of utility work.

Stubbe attended most of the meetings of the mayor's road construction task force.

Fahey said Stubbe impressed him and others with his background and his knowledge of both the utility business and construction. In his current MUD job, Stubbe frequently works with city staff, Fahey said.

"We were very familiar with Bob, and the timing was perfect for both of us," Fahey said. "What better experience than having someone who is very familiar with one of the utilities."

Stubbe said he also has worked with county and state roads officials, as well as contractors.

"It's somewhat similar to the responsibilities that I have with the district," Stubbe said of the city position, "and I looked at it as a new challenge to my career."

It's not unusual for the city to hire a public works director from outside the ranks of city employees.

The past two public works directors were promoted from within the city. But former Public Works Director Don Elliott was hired from the outside in 1995.

A native of Sioux Falls, S.D., Stubbe received his bachelor's

degree in civil engineering from South Dakota State University.

He moved to Omaha in 1976 and started working for MUD.

He is a past superintendent of water distribution and construction for the utility. His past duties for MUD also include overseeing the district's emergency response to water and gas problems. He was named to his current position in 1999.

Stubbe received a master's degree in engineering from the University of Nebraska in 1979. Stubbe is married with three children.

HAPPENINGS around the Region

A \$1.5 million art project planned for the Qwest Center Omaha is slated for completion by April 2007. Bronze statues of a mime, a 12-foot-tall man on stilts, a juggler and jazz musicians will be arranged in front of the building to represent the fun entertainment going on inside the facility. This exterior display will also include steel spheres, which will visually tie in with a group of spheres suspended from the ceiling inside the building.

An archeological dig has been underway south of Glenwood periodically since late last year. Artifacts uncovered thus far include pottery, charcoal, debris from stone tools, and corn kernels. The kernels are important discoveries because they can be used to help date the artifacts and thus the site. The team working on the project hopes to find enough good artifact samples to have the site placed on the National Register of Historic Places.

One hundred acres north of Haworth Park and south of the Fontenelle Forest's Great Marsh/Hidden Lake habitat restoration project in Bellevue will be developed into a multi-million park over the next four years through an agreement between the city and the Papio-Missouri River Natural Resources District (P-MRNRD). The Kramer Power Plant had been located on this site until it was recently dismantled. The Bellevue wastewater treatment plant still on the site will be shut down, according to the city. Costs for the development will be shared by Bellevue, the NRD, and the Nebraska Environmental Trust.

IFA offers planning and design loans for water projects

All communities want to provide their citizens with safe drinking water and adequate wastewater treatment. However, when improvements must be made to these systems, cities often struggle to find funding sources for the groundwork needed for infrastructure projects. In an effort to ensure water quality for all Iowans, the Iowa Finance Authority (IFA) is launching a loan program specifically for entities in the early stages of water pollution control or drinking water projects.

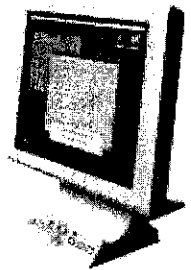
New Planning and Design Loans will offer 0% interest for up to three years and do not include an initiation or servicing fee. In addition, there is no minimum or maximum loan amount. Eligible costs include engineering fees, archaeological surveys, environmental studies, and fees related to project plan preparation and submission. The loans may be rolled into a State Revolving Fund (SRF) construction loan or can be repaid when permanent financing is committed. The project planning and design costs must be directly related to the proposed wastewater, storm water or drinking water projects.

Besides communities and counties, qualified entities include regional sewer/water districts, conservancy districts and water authorities eligible for water pollution control and drinking water SRF loans. Also, private and not-for-profit facilities eligible for drinking water SRF loans may apply for

Planning and Design Loans. For more information go to www.ifahome.com or www.iowasrf.com; Lori Beary at 515-242-4965 or lori.beary@iowa.gov; and Tracy Scebold at 515-281-4003, tracy.scebold@iowa.gov.

Receive What's Happening by e-mail

Many jurisdictions, businesses, and individuals have signed up to receive the MAPA What's Happening newsletter by e-mail. This is a reminder to those of you who haven't done so yet that you can sign up at any time. Just e-mail pjesse@mapacog.org with your e-mail address and you will be added to the list. The newsletter will still be mailed, however, and you may continue to receive it that way if you prefer. Many of your e-mail addresses have changed, too, because many come back every month and we can't always track them down to get the new address. So if yours has changed, please let us know so we may update our list. Thank you.



CALENDAR

October

7...8:00a.m.-Data Resources

10...Columbus Day (Observed)
MAPA Offices Closed

19...8:30 a.m.-Finance Committee
2:00 p.m.- Project Review
6:00 p.m.- Annual Dinner
Mills County at
Mineola Steakhouse

21...10:00 a.m. - Transportation

27...1:30 p.m.- Board of Directors

Water rules won't kick in

■ A state official says usage is not out of balance with supply in seven of the state's 13 watersheds.

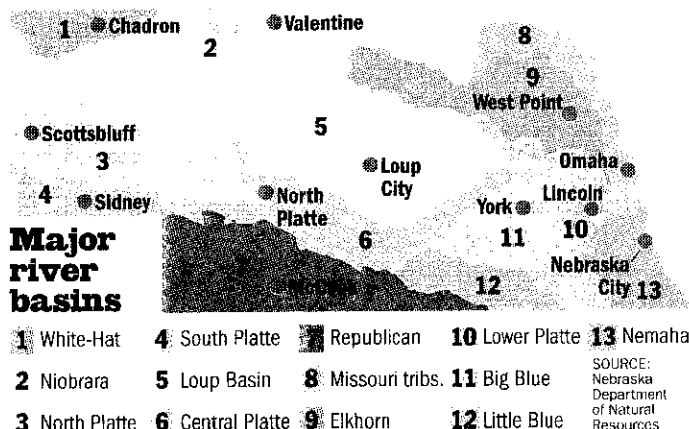
BY DAVID HENDEE

WORLD-HERALD STAFF WRITER

A big chunk of Nebraska will avoid strict water regulation next year, after all.

The region covers much of central and eastern Nebraska — including the Elkhorn and Loup River basins, where a frenzy of irrigation-well drilling is under way by farmers worried about staying ahead of new state controls.

Ann Bleed, acting director of the Nebraska Department of Natural Resources, told The World-Herald on Tuesday that the agency's initial evaluation indicates that water usage is not out of balance with the supply in seven of the state's 13 river basins or other watersheds. The decision affects land ranging from the Sand Hills to the south-



Off the hook

These basins, sub-basins or stretches of rivers won't be designated as fully appropriated Jan. 1 by the Nebraska Department of Natural Resources:

- Loup River Basin (No. 5 on map above)
- Elkhorn River Basin (No. 9 on map)
- Platte River and its tributaries below its confluence with the Loup River (portion of No. 10)
- Niobrara River Basin below the area already determined to be fully appropriated in the Upper Niobrara-White Natural Resources District (portion of No. 2)
- Nemaha River Basin (No. 13)
- All remaining tributaries to the Missouri River (No. 8)
- Those portions of the Little Blue and Big Blue River Basins where groundwater is not hydrologically connected to the Platte River (portion of No. 11)

eastern tip of the state, including the Omaha and Lincoln metropolitan areas.

As a result, the areas that had been under study by the department won't be determined this

year to be fully appropriated, a designation that would have launched a series of controls intended to balance supply and demand.

See Water: Page 2

Water: Basins not overappropriated, official says

Continued from Page 1

"Next year, some or all (of these basins or watersheds) could be fully appropriated, but it won't be this year," Bleed said from Bridgeport between meetings with natural resources districts in western Nebraska.

Bleed's early announcement of the department's findings takes the state off a collision course with Nebraska's 23 natural resources districts. The districts recently agreed to oppose new rules that the department plans to use to determine whether a basin is fully appropri-

ated. District officials talked of suing the state.

The State Attorney General's Office brokered talks last week in Kearney between the Department of Natural Resources and the districts. Bleed said she hoped the early decision helps both sides in the dispute focus on resolving their differences.

Dean Edson, executive director of the Nebraska Association of Resources Districts, said Bleed's decision will give the state and the districts more time to update computer models and other information in the water-

sheds under study. The data will show the extent of the connection between underground water and water in the watersheds' streams and rivers.

Acting under a new state water law, the Department of Natural Resources last year designated all or portions of eight districts in central and western Nebraska as fully appropriated. Areas of the Platte River system in that region were later designated as overappropriated, meaning that demand exceeds supply.

The department is required by law to review each of the state's

13 major river basins each year to determine whether any are fully appropriated. That report is still scheduled to be released by Jan. 1, but the watersheds named Tuesday are no longer potential targets.

Edson said he hasn't seen the department's new maps, but it appears that at least a piece of the Tri-Basin Natural Resources District in south-central Nebraska and a stretch of the Platte River in the Upper Big Blue district may be on track to be designated as fully appropriated later this year.