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LB 26

SENATOR KREMER: Yes.

SENATOR WARNER: Senator Kremer, is it correct that irrigation is the prime reason why a control area needs to be established or whether they have been established? Irrigation has been the only factor or primarily the only factor that has reduced the water level?

SENATOR KREMER: No, sir. It could be a number of things. It could be a series of drouth years, anything else that would reduce the available supply of water. If I would have had a chance to explain the bill as it is today, I would have brought in or we are bringing in another factor to be considered. If an area feels that there is justification for going under control and calling for a hearing by the Director which brings in water quality that may be involved because of the depletion of water. It could be a stream running dry that could affect the flow of water underneath anaquifer that is next to the stream. There are a number of reasons why an area may go under control.

SENATOR WARNER: But at least those we have in existence now, has irrigation been the principal factor?

SENATOR KREMER: I would say yes.

SENATOR WARNER: Thank you. As one who does irrigate, I find it hard for me to rationalize that putting on a mill levy on an entire control area when the problem generally, and as Senator Kremer has indicated that is not always the case, but at least generally when the cause comes from those who irrigate. Now I understand if you have a charge on the water you use, that someone could rationalize that that would lead to a severance tax or a number of perhaps undesirable conclusions, but I still find it very difficult to justify placing additional cost for a control area solely as an increased mill levy authorization and I guess I would support Senator Murphy's motion at this point. Not because they don't need or require additional funds, I am sure they probably do but it still seems to me that the more appropriate way is to use something that reflects the additional cost for those who are causing the cost rather than charging those who are nonirrigators for that additional cost when they are generally at no fault.

PRESIDENT: The Chair recognizes Senator Keyes.

SENATOR KEYES: Mr. Speaker, I would like to ask Senator Kremer a few questions, just to give a clarification in