

LB 643 weakens this control area concept. There may not be another control area declared in the state because of the provision which I have pointed out in my amendment on page 20, lines 11 and 12. This allows the Natural Resources District to adopt well spacing requirements more restrictive than the 600 feet in the statutes. In other words, this bill as amended will give the NRDs the authority to establish these restrictions without consulting the Director of Water Resources, without consulting the Conservation and Survey Division of the University. The only thing they will have to do is hold a public hearing and then put these well spacing regulations into effect. They do not have to consider hydrologic data, they do not have to consult with the Natural Resources Commission. In other words, they do not have to show a reason or just cause, that is the term that I have learned since I have been in the legislature. They can do it just because they think it is fitting and proper without really considering the facts. As I see it the result of this will possibly be that we will have well spacing requirements but we may never have pumping restrictions. In other words, and this is the unfair part about this situation which could develop, if we have an area that is partially, one area is fully developed in this NRD and we have another area that is only partially developed then the NRD instigates spacing requirements. Well the people that already have their wells down, the area that is fully developed is then home free because the spacing, the spacing requirements in the rest of the area could possibly alleviate the problem. Could eliminate any reason to ever establish a control area. Because if you only have one well say for instance on a section and the highly developed area has a well on every quarter then the whole problem is alleviated by the fact that a certain group in that area is being discriminated against, in effect, because they simply do not have their wells down early enough to escape without the restrictions. So, what I am saying is that either the NRDs should also have the authority to establish pumping restrictions on all of the wells, plus the authority to have spacing restrictions or they should not have either authority. Because if we give them one authority then that is the one they are going to use and will never get to the position where we have to have a control area because the problem has been alleviated by those people who at that point did not have their wells down. I consider this unfair, inequitable, and therefore I have offered this amendment which simply deletes the authority that the NRDs would be able to establish well spacing requirements without first going through the control area procedure. I think the control area procedure is important in order to have equitable distribution of this water regulation over the whole area that is involved. I urge the adoption of my amendment.