

April 2, 1980

LB 643

mentioned that it is impossible to have a control area until the problem is already there and that is not true. We now have in the Bartlett area, in the Lower Loup NRD, the process is being pursued which will determine whether or not a control area will be established there. They admit there is no problem now but there may be one in the future. And let me just read from the language that is in the statute in regard to a control area. Now it says an area may be designated a control area by the Director following a hearing initiated in accordance with subsection 3 of this section, if it shall be determined following evaluation of relevant hydrologic data, history of developments and projection of effects of current and new development that uncontrolled development and utilization of the groundwater supply has caused or is likely to cause within the reasonably foreseeable future the existence of any of the following conditions, and then it goes on to name the conditions which is a lowering of the water table, pollution of groundwater and so forth. So you can have a control area before there is a problem. It is right there in the statute in black and white. Now the provision in the bill that I am objecting to is that you are giving the NRDs one, one tool, one tool to deal with a potential problem. You are not giving them the whole fistful of tools. You are only saying they can have spacing, they can establish spacing requirements that are more strict than they are now. You are not saying the NRD will not have the authority to restrict pumping on the wells that are already there. All you are doing you are letting the people that have the wells down home free. I am one of those. I have all the wells down that I plan to put down. I have sandhill land that could be developed for irrigation but I am not interested in that and I don't plan to do that and I am concerned about those that do that, but I am saying you are giving the NRDs one limited tool to deal with this. You are not giving them all the tools, and so if they use this one spacing tool, you are discriminating against the people who do not have their wells down. You are saying, you people who got in there early, you are home free. There are not going to be any pumping restrictions and your problem is going to be at least partially taken care of by the restriction that the new people cannot place their wells as close together. So we are going to take care of your problem, the problem that you have caused, by initiating wide spacing requirements on the rest of the area. I submit that that is unfair and that if we are going to give the NRDs that much power, let's give them all the power, forget about the control area and go from