

we decided to look for a remedy. The only current remedies available are the Groundwater Management Act and private suits for damages. Neither of these two remedies apply in this situation until after damage has occurred for the Groundwater Management Act does not stop the installation of these wells and neither would, of course, a suit for damages because you have to wait until you are injured before you could stop the installation of a well field of this magnitude. These remedies are inadequate even after damages occurred for several reasons. First of all, it places the burden upon the individual who has been injured and this burden is a very heavy one. He must go out and spend a great deal of money to retain attorneys to develop the hydrological information necessary to prove that it was this well field that caused the damage to his or her property and that can cost several thousands of dollars, and in some cases, perhaps hundreds of thousands of dollars, and that burden is simply too great to allow it to be a reasonable means of addressing the problem. So the approach that I have taken is in LB 56 and that bill has been amended extensively. I just put out to you earlier this morning a section by section analysis of LB 56. I would like you to know that a great deal of research went into LB 56 and we looked very carefully at how other states handled similar problems. I have available and will be happy to supply any of you who desire a copy of a summary of an eighteen state statute search which we did in preparation of this particular bill. Of the eighteen western states, only California and Nebraska do not require some type of a permitting process before large quantities of water can be withdrawn from the aquifers for industrial use. Clearly I think now is the time for us to adopt some type of a system. The proposal embodied in LB 56 and contained in the committee amendments which went through several different drafts is based upon the philosophy that we should take a look at the effects of these withdrawals of large quantities of water before rather than after the fact. Basically, Section 3 is...there is several sections I would like to review with you very quickly. Section 3 is a key section. This section requires that any person who desires to withdraw 5,000 acre feet or more of water, 3,000 with the amendments as amended, from the aquifers in Nebraska must obtain a permit from the Director of the Department of Water Resources. Section 5, then, is a procedural section which requires the Director of the Department of Water Resources to accept a completed application or to return an incomplete application within thirty days of receipt of the application. If the application is returned, the Director must inform the applicant of the reasons for returning the application. This section is designed to insure that the process is a timely one and