

SENATOR CLARK: Senator Schmit, before I call on you here I would like to introduce 50 students from the Elkhorn Hill Rise School, Elkhorn, Nebraska. They have three teachers with them from Senator Wiitala's district. Would you hold up your hands, please? They are in the North balcony. Welcome to the Legislature. Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, the amendment I have offered here is one which I think should resolve the fears of all of you. The amendment provides that you can't use the power of eminent domain by a Natural Resource District to acquire property for recreational purposes if the recreational benefits of that project exceeds 75% or if the project's size is less than five hundred acres. In other words, the projects that Senator Beutler referred to that are of vital interest to the City of Lincoln, those large projects which provide substantial recreational benefits can be acquired. It is the small project where a, usually it is an individual landowner that is in litigation with the Natural Resource District where they would not be allowed to use those benefits. Senator Beutler, I am amazed at the comment you made that the people of Lincoln, Nebraska, for example, pay so much into their Natural Resource District and they don't get any benefits because you have been telling me for at least two and a half years now that the people of the urban areas are vitally interested in the soil and water across the State of Nebraska and I think that I am...you know, I am interested in the benefits of the University of Nebraska, UNO, all those things and I think that obviously there must be some concern about on your part or else 375 would have come out of Public Works Committee by now. So I know that you are interested in statewide issues. I think also we have to recognize that when you look at this issue you have to decide what you would do if you were in a similar situation. I had a landowner come to me just in the last few days. He has lost one farm for the construction of a pond and he says they are doing a fine job. Game and Parks is doing an excellent job of managing it. I take my hat off to them. I congratulate them, no problem. They are doing a good job. I am glad that it went the way it did. Then he said this last year the Natural Resource District came to me and asked for an easement to build another dam and I sold it to them for a dollar on the provision that they would put a four inch pipe in the structure and allow the water to come across the land as it had for thirty-nine years to water my cattle. After agreeing to that condition with the landowner, the Natural Resource District proceeded last summer, the first year the agreement was in effect, to shut off the water because they said there was not as much water running into the structure as they were letting out and the law prevented them from doing that even though the principal source of the water was in the base of the dam and