

SENATOR SCHMIT: Yes, Senator, any cannot be used on any structure of 500 acres or less within the surface....

SENATOR KOCH: In other words, any surface structure of water beyond 500 acres is not affected by the intent of this legislation?

SENATOR SCHMIT: That is right.

SENATOR KOCH: Thank you. I would like to state from some statistics I have here when you get down to the issue of trying to determine value of a structure in terms of soil conservation, water conservation or beneficial uses for recreation and this comes from the district that Senator Schmit mentioned a moment ago, that one time, and I have their correspondence in my file, Papio Natural Resources District. They have since relooked at that position according to the correspondence I have of March 11 and this is what they state in the letter from the director. "The bill sets no standard for determining applicability in the multi-purpose acquisition. For example, a combination of the fee for a barrow pit in an area with a high water table may involve a 100% use of the property for barrow during construction followed by a 100% use of the resulting lake after construction for recreational purposes." They go on to say, "Expressing any such limitation in terms of percentage can only lead to confusion in application in the absence of some objective or empirical way of expressing proportions of use or purpose." I believe what we are doing here is we are placing NRDs in a very difficult position. I have visited with members of NRDs who have been in positions, not only state leadership, but national leadership. A good friend of mine from Franklin who looks at 243 as a very destructive product as far as NRDs are concerned. Now I also have a letter from the Maple Creek people who have a concern and they tell me that taking land from someone is plunder. I submit to you that when we built the interstate across this nation, that had, we had one person who refused to be a willing seller and that type of thing that we would have had an interstate so far. Then we would have had a gap. We would go back to a road that was not of that type. Senator Schmit has a bill for the Public Works Committee, 375, and, Senator Schmit, we are trying to work on it to get it out here where NRDs are given considerable authority in terms of management, that type of thing. Now you come with this type of bill which I really believe is going to impede the progress of NRDs and I have no evidence yet where they have arbitrarily or capriciously used condemnation in terms of what they are about. In addition to this, I submit to you that we have bills here we want to take cigarette tax to build water structures. We are saying we are way behind and we