

May 6, 1981

LB 146

in the manner which the committee agreed upon. I want to point out again one of the reasons why 375 stayed in committee was because of the very tactic that is being prevailed upon here this afternoon, an attempt to load up a bill. If you try to jump across a creek, you had better to be able to jump the entire way because if you don't you are going to fall into the creek and that is what is going to happen to 146. It is going to fall in the creek and drown unless you are reasonable about the approach. Little by little you draft legislation and forge laws. You do not do it by huge jumps. I ask you to reject the amendment.

SENATOR CLARK: Your time is up. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I very honestly and very strongly feel that there is nothing whatsoever unusual or radical or unreasonable about this particular amendment. Subirrigation has a very definite meaning in the literature. Subirrigation refers to a ground water level that is so high that plants are able to take moisture from that ground water through their root system without sprinkling water on the surface. Now it is true that there are many reasons why the ground water level can go up or it can go down but this amendment takes that into account. It is fitting into a section of the statutes that requires that you prove that the cause of the loss of sub-irrigation had to do with particular problems. Now this is no different than what we are doing with ground water quantity. There are a lots of things that can cause the general level of ground water to go up or down but what we are doing with ground water quality, there are a number of things that affect the quality of the ground water. The point is not that we are seizing individual rights. The point is that we are trying to regulate and protect rights as between individuals. I have had on a number of occasions, when we have taken the western tours in the last two years, had ranchers come up and complain that center pivot people were drawing down the water levels and causing their sub-irrigated meadows to dry up. Now if you are a person in that situation with a subirrigated meadow, I believe you'd probably feel that the state should do something to regulate the interest of you and your neighbors and that is what this amendment is intended to do. It doesn't force anybody to do anything. It says to a local control entity, the Natural Resource District, "You look at the situation. You listen to the people who have meadows drying up. You listen to the people who have center pivots and are pumping the water out. You regulate in a reasonable manner." This is what we have already approved with regard to ground water quality and with regard to ground water quantity and all we are asking is