

May 12, 1981

LB 243

left out, and furthermore, there is an allocation from the State Commission of \$900,000 for this project and it will go forward. Another group of letters that I received was from Maple Creek. That project is out. The Board of Directors from the Lower Elkhorn backed off of that project, even though it was a going project for many, many years. Today it is dead. Why? Because they did not have the support of the local people. And this is the proper way to operate, not trying to legislate and give us, or give the Natural Resource District a lot of problems and that is what we are going to do with this bill. I do feel truly that this is special legislation. I have got word that there is going to be an amendment on 239 which is the isolated roads project. This amendment also has retroactive on it. Why? Because the road was built and demanded by the courts even though Kimball County refused to build it, that this road be built. They spent a lot more money than they had, over \$400,000 to build that road. Yet they have to build it. And we got a retroactive clause on that bill so that that landowner does not have to pay for that project, actual reversal of the Oliver Project, where this is a retroactive clause on it so that the landlord will not have to give up his land...or the land next to Oliver Project. So there are several things that bother me. I have to agree with Senator Schmit on the eminent domain. To us in the rural area it is a dirty word, but I can assure you that the Natural Resource Districts don't use it unless it is absolutely necessary. And as far as tennis courts, golf courses, if we would say no eminent domain to build those, I would be a hundred percent for it because I don't feel that we should use it for that purpose. But when we talk about water projects, it is an altogether different story, and we are going to go to court. There will be litigation on every structure, I am sure. We have one in School Creek right now which is near Sutton in the Upper Blue area that is being planned. You know what? Those people are starting to object. They know that this thing is coming forward and if it passes, we are going to have an issue in court to prove that that is 75 percent recreation. Yes, there is recreation on it. The total amount is less than 20 percent in the cost benefit ratio, but how are you going to prove that it is 20 percent? It is almost impossible. I would like to refer to you what happened here about 20 years ago. We had a good Senator from Rising City, Senator Stryker.

SENATOR CLARK: You have one minute.

SENATOR SIECK: The Salt...or the watershed district law was before this body. The Saunders County people decided