

January 8, 1982

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SENATOR BEUTLER: The board of the district that is being asked to form the control area.

SENATOR SCHMIT: In other words, if Senator...let's just assume that in the Lower Platte South asked for a control area in the Lower Platte North and they were granted the need for a control area. The Lower Platte North Board of Directors would have to adopt the controls, is that right?

SENATOR BEUTLER: Yes.

SENATOR SCHMIT: All right, then suppose that the Lower Platte North said, "Well, you know we never thought there was any reason for a problem in the first place. We resent the Lower Platte South imposing this control area upon us" and they did not adopt controls of any kind that were in any way conducive to those which the neighboring district thought were necessary. Is there any penalty that can be applied upon the Lower Platte North Board of Directors? Suppose they chose to ignore that situation.

SENATOR BEUTLER: Senator Schmit, as you are well aware, in all areas of the law, we depend upon people obeying the law. We don't assume that there is going to be mass disobedience to the law. In Nebraska I hope you are not implying that you would think the board of directors would do that.

SENATOR SCHMIT: But the law requires the Natural Resource District Board of Directors of the Lower Platte North to by rule and regulation design the controls that would protect that water. Suppose they say, "Well, we don't see any problem." Or in any case they would adopt controls much less stringent than the Lower Platte South, what mechanism do you have to say, "Well, that is not sufficient enough"? Can the Lower Platte South then come back on the Lower Platte North, are we going to be back in court again and say, "Hey, those rascals are still pumping our water"? What are you going to do about that?

SENATOR BEUTLER: The problem will be worked out, Senator Schmit, with the Director of Water Resources and with the Natural Resources Districts involved. I don't see any problem in that particular area. I see what you are saying that they are not going to be happy about doing it but the technical problems involved in working out corresponding types of controls, that is provided for in the bill. If you are saying that they are simply going to disobey the law, well, you can say that about (interruption).

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