

February 24, 1982

LB 375

systems or gravity flow irrigations systems. Now a lot of us that have been involved in this issue for several years feel that the local Natural Resource Districts should have maximum discretion in deciding how to allocate as the Natural Resource Commission says on page 4 that one of the principal problems with 375 that a lot of us have been complaining about since this bill was introduced and all through the hearing process and out here on the floor, is that LB 375 says the Natural Resource Districts can allocate only on an irrigated acre basis. Now Senator Vickers in his memorandum discusses the economic ramifications of that, and the economic ramifications of that are to virtually force the small farmer, the guy that owns 3, 4, 5 sections to install center pivot systems if he is going to retain his right, his full rights to use water...to use groundwater. In other words, this is going to have a distorting effect on the economy because we are going to be putting in statutory provisions that are going to have the effect of pushing the farmers in the direction of purchasing equipment... expensive center pivot irrigation equipment, installing that equipment in order to preserve their rights to use the water underneath their land. Now it seems to me that it makes a lot more sense to let the local Natural Resource District require allocation on any reasonable basis it wants, and that is what the amendment provides. Now when this Legislature in the mid-1970s passed the Groundwater Management Act to set up the control area system that is now in place, it did not put any such restriction on the ability of the Natural Resource Districts to allocate, and in the control areas that are now set up around the state we have three control areas set up around the state, why the Natural Resource Districts are not necessarily limiting allocation to irrigated acres. Now it really makes no sense to shackle the Natural Resource Districts and telling them that they can allocate only on one basis and not on any other basis. If we are going to have local control in the State of Nebraska, let's have local control. Let's give them the authority and discretion to do what they think is right to manage the water in their area in the most efficient means possible. And let's particularly not skew the statutes of Nebraska in favor of one particular industry, an industry that manufactures and sells center pivot irrigation systems which is what this provision in the law in my opinion has the effect of doing. Now again the Natural Resource Commission has taken the position on page 4 of the handout that it does not make policy sense to put those kinds of restrictions on the NRDs. Senator Vickers argues that point quite well in his