

March 18, 1982

LB 726

percent of them indicated that we should give them some sort of ability to control development within their area. What 726 does is address an area of the statutes that provides for local control. This is simply the criteria to give the local people the authority to have a control area based on the losses or the potential losses that they see within their area. It does address a major step. There is no question about it. This would for the first time recognize clearly that there is a correlation between underground water and surface water. Perhaps for those of you that don't quite understand, when underground water is treated as underground water but when it reaches the top of the ground, then it becomes surface water and we in the State of Nebraska through our laws have not recognized that correlation at all. But as a matter of fact, that is what the wet hay meadows are. That is what the lakes and the streams and the Nebraska Sandhills are, is the top of the aquifer. This does recognize that relationship and it does give the authority to the local people to have a control area based on the loss of the top of their aquifer. That is something again that we haven't done in the past. Now that is briefly what it does do. What it doesn't do, at least in my opinion, and I know there are others in this body that feel differently, but what it doesn't do is that it doesn't conflict with LB 375. As Senator Cullan pointed out to you, a vote for 375 and a vote for 726 is not a conflicting pair of votes. LB 375 created a management area concept. LB 726 deals with the control area concept that we have always had in the Water Management Act since its enactment. There are two separate sections of the statutes. What it does do is give the local people the authority to choose which of the two they would care to use. Now the proponents of 375 I think told us all along and I agree with that, that it wasn't mandating that the Natural Resources Districts use the management area, neither does 726 mandate to the Natural Resources Districts that they use a control area. It leaves it up to the discretion of the local people. No matter what we put in the control area as a criteria, it is all discretionary. And a good example of that is the fact that we do have declines in certain areas of the State of Nebraska right now where there are no control areas established at all even though the criteria is there right now for a control area to be established based on declines. The same thing can be said for pollution. One of the things that it does do differently as far as the control area and the management area is concerned....

PRESIDENT: One minute, Senator Vickers.