

April 8, 1982

LB 726

alfalfa when the water table comes up it kills the roots of the alfalfa and ruins it. Senator Howard Peterson is familiar with that area and used to sell us fertilizer to make the stuff grow. But with that kind of a bill, I just don't believe we know what we are doing. So for the present time I would certainly urge you to put this issue off till next year and we would have a lot better chance to see what it would really do, and I also think that LB 375 should have a chance to operate a year to see how that is going to affect the area. I still do not believe that the people in the Sandhills really know what is in this bill either and how it would affect them. Thank you.

PRESIDENT: The Chair recognizes Senator Hoagland. Senator Hoagland. Okay, the Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I rise to oppose the motion to indefinitely postpone LB 726. Senator Peterson and Senator Kahle, I think it is important to remember what the Groundwater Management Act is and what it does. I can't remember which one of the gentlemen, I think it was Senator Peterson said, one...maybe it was Senator Kahle, one of the gentlemen said that one of your neighbors could start causing you problems with LB 726 if they didn't like what was going on. I don't believe that is true. I don't think that is the way the Groundwater Management Act works and that certainly is not the way that LB 726 works. What the bill does is provides additional criteria for the establishment of a control area. Control areas don't just occur or fall out of the sky like manna from Heaven. Control areas are created and they are created through a complicated...not a complicated but a long procedure, a carefully drawn procedure. The Natural Resource Districts initially decide whether a control area is necessary and then that decision is presented to the state and the controls that are drawn are drawn by the local natural resource board, and so there are protections built into the system to ensure that the water rights of all individuals are protected. So I see absolutely no fear and I have no fear that one individual landowner is going to create problems under this bill. It just isn't in the bill. It is just not possible. That statement ignores the reality of the Groundwater Management Act which was so carefully put together many years ago. So I think that is a very unfounded statement to present to the Legislature and not a solid argument against LB 726. Quite simply what the bill does is allow for a class of water users and an important use of water to be recognized in state law and to have a legitimate water right under the Groundwater Management Act. And I think that is important. I think

10606