

SENATOR BEUTLER: I think it would probably work best, Mr. Speaker, if we talked about the bill generally for a little bit.

SPEAKER BAACK: You may open on the bill.

SENATOR BEUTLER: Okay, thank you. Mr. President, members of the Legislature, LB 306 is a water bill. It's a bill that borders on the subject of conjunctive use between surface water and groundwater and, therefore, is something that you will probably want to listen to and pay attention to. In its original form as it would have been amended by the committee amendments or in its original form, it really got into the question to some extent of conjunctive use, a very controversial question. But with the rejection of the committee amendments and with an amendment that I will propose to you shortly, it is the intent of the introducers, and understand that mainly this bill has been instigated by and proposed by the Cities of Omaha and Lincoln and all of those municipalities along the river valleys of this state who use groundwater for their municipal supply of water. That's where this bill comes from. Those are the people that this bill seeks to protect. Now, once the bill has adopted an upcoming amendment this is basically what it will do. It will protect, it will give a right, create an instream flow right for municipal suppliers only, not for anybody else, but for municipal suppliers. Now by instream flow right that means that the different municipalities will have the right to come into the Director of Water Resources and say, hey, we need a certain amount of water left in the river in order to be sure that our groundwater wells that are next to the river are resupplied. Okay. So they will come in and they will make that case and as part of making that case, and as part of making that case they will have to prove and it will be very expensive to prove, but they will have to prove that there is a connection, subterranean, below ground between that river and those wells. But once they have established that connection scientifically, once the director says, yes, you have met the burden of proof and you've established that relationship, then they will have the right to an instream flow to protect the quantity of water in those wells. And those wells will be protected from the date of the first municipal well that is established in that well field. Having said that, that is basically, perhaps totally, but at least essentially and conceptually what the bill does. And I'm not sure at this point that there is more to discuss. I would remind you that relative to the amounts of water used for