

to one track or another? Pull out this little handout that I think would be helpful to you that says "Who Controls?" And I tried to make a distinction there that hopefully would be helpful to you in thinking about the two-track system and keeping them straight in your mind. And who controls depends upon who the parties to the dispute are. And you can see on this handout if you're dealing with individuals or entities that are within a single NRD, then you're on let's call it track one, the NRD track. And the bottom line authority for whether you proceed with a plan in management area in those circumstances is the NRD. So for any dispute that's within the district it's the NRD that controls, track one. Let's say though that you have individuals and entities that are within the state but in different NRDs, you have a conflict between NRDs. Then in that situation the NRDs control and all NRDs must agree. Some would say this is a weakness of the bill, that if you can't get...maybe you can't get all NRDs to agree. What do you do then? Well, they have to all agree. And that same situation of having to have total cooperation from and among NRDs, where you have conflicts between NRDs, exists in current law, it's parallel to our current law. Whether you consider it a defect or not, it parallels our current law. For example, out there in the Upper Republican NRD, where they have a control area for ground water quality, if you go right above their boundary in the adjoining NRD, they have no control area, even though in some portions they have just as serious a water problem. They're all part of the same water problem. But they've never...I don't know if they've never tried to reach agreement or they...for whatever reason, they can't go above that boundary and set up similar controls in the next NRD without the permission of the next NRD. So what I'm telling you is this is a parallel procedure that we're setting out here in this new area of interrelated water disputes. Okay, but then there's a third kind of conflict and so far you can see how much the council has given weight to local control through the NRD system.

SENATOR CROSBY: One minute.

SENATOR BEUTLER: But there's a third kind of conflict that can involve individuals or entities in an NRD, or more than one NRD and other states, or the federal government. When that's the case, and if the situation is not addressed, then it's possible to go down track two, which can be initiated by DWR. And when