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FLOOR DEBATE

January 31, 2003 LB 35

(Read title.) Bill was introduced on January 9, referred to Natural Resources for public hearing, advanced to General File. I have no amendments at this time, Mr. President.

SENATOR ENGEL: The Chair recognizes Senator Schrock to open.

SENATOR SCHROCK: Mr. Distinguished President, members of the Legislature, for the record, LB 35 is a bill that will allow natural resource districts to permit a water well to be constructed for a beneficial use of water in a management area, and determine what a beneficial use is. Current statutes state that a beneficial use is limited to water wells for domestic, agriculture, manufacturing, or industrial purposes. Under this bill, which strikes those specific limitations, the NRD will make the determination as to what is a beneficial use of the water. It will allow NRDs to approve wells for all beneficial purposes, including in-stream flow enhancement and habitat. There is no fiscal impact, and I believe the bill is necessary because of the concerns on endangered species. With our cooperative agreement on the Platte River Basin, the purposes now for drilling a well, which is agricultural, domestic, and industrial purposes, may not be broad enough, and so this just allows the NRDs to determine what is a beneficial use. And if it's determined that a well...water should be used for different purposes, other than the three main purposes, which we've already had, the NRDs would allow that...would allow for the construction of a well for that purpose. I hope that's a straightforward explanation. If you have any questions, I'd be glad to answer them.

SENATOR ENGEL: We're open for discussion. Senator, we recognize Senator Beutler.

SENATOR BEUTLER: Senator Schrock, a couple questions, if I might. I think there...are there not in statute two or three definitions of beneficial use?

SENATOR SCHROCK: I'm...for the purpose of drilling a well, I think that it has to be one of the three purposes.

SENATOR BEUTLER: Okay.