

You'll find this amendment on page 1296 in your Journal. The amendment is intended to improve any...or to remove any presumption that ground water use alone is responsible for reductions in stream flows or violations of interstate compacts, and should, therefore, be required to bear the brunt of reducing water use in order to preserve or enhance base flows and connected streams. For this amendment, new intent language is inserted in Section 1. The new intent language makes a policy statement that reductions in water usage required due to natural shortage conflict between surface and ground water use or to enhance or preserve volume of flows due to interstate agreement shall be shared equally between ground and surface water users. Floor Amendment 553 replaces the existing grandfathering language found on page 33 of the committee amendments. The new language mirrors the intent language stating explicitly that wells constructed prior to designation of a conjunctive use management area shall not be restricted in water use without a corresponding reduction in surface water use. Even conceding that ground water use is impacting surface water, ground water irrigation has been legally installed based on the rights and assurances the state law has provided. This amendment recognizes that regardless of which came first, extensive ground water usage is a fact, a fact which was enhanced and multiplied the benefits of irrigation to nonriparian areas. In other words, this amendment is a strong statement that both ground and surface water systems have a right to be there, and that both systems need to be...need to contribute equally to solutions to conflicts arising from surface water depletions. The committee amendments to LB 108 do not...do, indirectly, imply this principle. Under the bill, both the local and state-initiated processes were established in a conjunctive use management area, provide for a joint action plan imposing controls authorized in Section 31. The Department of Water Resources' portion of the action plan may simultaneously require surface irrigation districts to apply conservation measures. While LB 108 does contemplate that both surface and ground water users have responsibilities to reduce water use, this amendment is more explicit that the reduction of use be shared equally. There are probably any number of ways Nebraska could meet the stream flow targets for the central Platte region for the critical habitat needs of cranes and other species. It was mentioned during the last time that we debated this bill that a point...that at a point on the North Platte River near Minatare, that on paper, at least, the entire flow of the North Platte is diverted by