

March 11, 1981

LB 205, 56

SENATOR CHAMBERS: Then I will wait. I won't take any more time this morning. I will wait until it is to be read.

SENATOR CLARK: Thank you. We will take up LB 56 now. We have got forty-five minutes.

CLERK: Mr. President, LB 56 was a bill introduced by Senator Samuel Cullan. (Read title.) The bill was first read on January 9. It was referred to the Public Works Committee for hearing. The bill was advanced to General File. There are committee amendments pending by the Public Works Committee, Mr. President.

SENATOR CLARK: Senator Cullan...Senator Kremer.

SENATOR KREMER: Mr. Chairman and members of the Legislature, the committee amendments are rather extensive. I will explain them and then I am offering an amendment to the committee amendments but I will refer to the committee amendments first. First of all, it has to do with the requirement of a permit in case that an industrial user wishes to withdraw groundwater in the State of Nebraska. The committee amendments stipulate a change when we are addressing the withdrawal from one thousand acre feet, the committee amendments change that to five thousand acre feet. It deletes the requirement that both the Department of Water Resources and the Natural Resource Districts have to approve that permit. It deletes the Natural Resource District, which leaves only the Department of Water Resources to grant the permit. Then the remaining amendments are somewhat important and I will try to explain them very briefly. First of all it defines what we mean by industrial purposes and it does include manufacturing, commercial, and power generation for the use of this water. Next it requires the Director to determine if an application filed is complete or incomplete, and if incomplete, to give the reasons why. It goes on to establish a deadline for the various phases of application consideration. Next it allows the applicant to file with the Director any waivers of liability signed by persons that are potentially affected. It requires the Director to issue a written order containing specific findings of fact when granting or denying this permit or the application for one. It allows the Director to grant a permit only if it is in the public interest and lists factors for the Director to consider in determining what is public interest. It allows the revocation of a permit only for three years nonuse, we are talking nonuse now, of the water or violation of what the permit conditions may be. It defines the "affected person" for the purpose of who can appeal a decision by the Director. It