

January 8, 1982

LB 94

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 94. All those in favor of that motion vote aye, opposed vote no. The motion is...okay, record.

CLERK: 27 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SPEAKER MARVEL: The committee amendments are adopted. Now, Senator Beutler, do you wish to explain the bill?

SENATOR BEUTLER: Yes. Mr. Speaker, members of the Legislature, LB 94 contains really one simple concept, but before I explain to you what the concept is, let me go back and talk a little bit about NRDs and what they are for some of the new people and for some of the city boys, city persons, excuse me. But I think it will be helpful to understand how LB 94 fits into the scheme work of things. I have passed out to you, and it may be helpful for you to look at the map of Nebraska which shows the breakdown of the Natural Resource Districts in Nebraska. There are twenty-four of them and the names of the districts themselves reveal to you the bases upon which they were originally set up, Upper Niobrara, Middle Niobrara, Lower Niobrara, North Platte, Lower Platte North, Lower Platte South. In short, the Natural Resource Districts were set up geographically based on surface water basins. There was a breakdown of different surface water basins, and at that point in time when this was done, it was the perfectly logical thing to do because most of our water problems revolved around surface water problems. But then an event occurred which is really kind of a rare and beautiful event in human development, the invention of the center pivot irrigation system, and all of a sudden a state which was rich in ground water from the beginning could make use of that ground water, and from having only a few thousand ground water irrigation wells, we have come in a ten year period to the point where we have somewhere just under 70,000 wells pumping ground water. So what I am saying is the districts were set up to deal with surface water but there main function has become to deal with ground water. Now the legal significance of the Natural Resource Districts is important to understanding LB 94, too. They are, in effect, kind of sovereign nations when it comes to the control of resources and ground water quality and ground water quantity within their geographic areas. We have complete, almost complete, local control in Nebraska on these types of questions at this particular point in time. The problem that develops is this simply put. The districts physically geographically are drawn along surface water basins but the ground water that they are seeking to protect underlie all or most of the NRDs, and of one pool of ground water, much of which is