

## **LONG TIME ALLY CAP DIERKS RETURNS TO LEGISLATURE**

Our good friend and former state senator (1987-2003) Cap Dierks is back, and boy are we glad! He will represent District 40 which is made up of Knox, Cedar, Pierce, and Holt counties. As chairman of the Agriculture Committee back in 1995, Cap fought hard along with Nebraskans First and the Farmers Union to derail the so-called "Conjunctive Use" water bill, LB 108. That battle was one of the toughest ever, and went down to the last day before LB 108

regrettably passed. Cap's leadership in that battle was commendable and we will never forget it. He is one of our strongest allies and is a senator who displays the very highest level of courage, integrity, class and dignity. Due to his prior eight-year experience, the great respect he has earned, and the stature he has among his fellow lawmakers, Senator Dierks will immediately be a leader for agriculture, irrigation, and all of rural Nebraska.

## **ALTHOUGH FEW IN NUMBER, WATER BILLS MAJOR**

Due to the large number of new senators having few or no ties to special interest groups, a "mere" 705 bills were introduced for hearing and possible floor debate. Usually the number of bills is somewhere between 800 - 900. So already we see a good result stemming from the influx of new senators.

The burning issues this session, which is scheduled to run until May 31, 2007, are the governor's income tax cut plan and his proposals for reorganizing the Health and Human Services System.

The governor also has proposed a two year budget that will appreciably restrict the growth rate of state spending. Not surprisingly, those entities who rely heavily upon state dollars are wailing away. Howling the loudest is the University. There are several property tax relief measures that will demand considerable time and debate.

Also, attempts to resurrect Class I schools will generate a lot of emotion and debate. As to water and irrigation, there are just a few bills, but a couple are really significant. They are:

**LB 594** - This bill was introduced by Senator Kopplin from Gretna. LB 594 would put a temporary suspension (until January 1, 2009) on the issuance of new well permits. We will oppose this bill because it is unnecessary, unwarranted and violative of individual property rights, and harmful to our state and local economies in the areas of the state not designated as either fully- or over-appropriated. Current law (LB 962) requires that state directed moratoriums or stays on new wells must be based on the best scientific data and information available. The state Department of Natural Resources (DNR) issues

an annual report that identifies river basins that are fully- or over-appropriated and the specific geographic area where groundwater and surface water are hydrologically connected. Right now, most of the eastern half of Nebraska has not been declared either fully or over-appropriated. Consequently, there is no need or reason for LB 594 other than unwarranted fear and paranoia based on emotion rather than sound science.

**LB 701** - Senator Christensen has offered this major piece of legislation as a way to address the serious situation festering in the Republican River Basin (RRB) as D-Day draws nearer on compliance with the terms of the Kansas v. Nebraska lawsuit settlement agreement. There is no doubt that the situation in the RRB is serious. To date, the state DNR has not been able to come up with any reasonable plan to comply with the terms of the settlement agreement with Kansas. What DNR has proposed would destroy irrigated agriculture and the local economies in the RRB. LB 701 offers a solution that will protect irrigation in the RRB and get us a long way toward compact compliance. Basically, LB 701 would create a new basin-wide management authority (BMA) and committee, which would manage the RRB and develop a water use and allocation program that would work to bring Nebraska into compliance. The BMA would function as a super NRD while including surface water regulatory oversight and management. Transfers of groundwater and surface water from other river basins would be allowed. Also of major importance is a provision that would require the governor to seek financial compensation from the

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