

## NEBRASKANS FIRST TESTIFIES AGAINST LB 962 AT STATE CAPITOL

On January 21, the public had their one chance to express their views on LB 962 before the Natural Resources Committee. The hearing was a long one - over three hours. Supporters of LB 962, primarily members of the task force, were lined up and one by one, and for two hours, went before the committee to express their support of the bill and the consensus process that was used to divine the end product. Among those testifying in favor of LB 962 were the state DNR and the Central Public Power and Irrigation District (naturally), environmental groups - Nebraska Wildlife Federation and Nebraska Land Trust - and the Nebraska Farm Bureau. Go figure.

I am proud to say that the Nebraska Well Drillers Association appeared and presented excellent testimony in opposition to LB962. The well drillers are great people who work hard providing a terrific service to groundwater irrigators and the state's overall economic well-being. They possess tremendous knowledge and expertise on groundwater. They know the truth. If they continue to commit their resources to defending groundwater irrigation, they will grow as a strong force to be reckoned with. We are proud to have them as allies.

Nebraskans First was the only farm group appearing and testifying against LB 962. Longtime board member, Ned Meier of Grand Island, presented our testimony. Key points made by Ned follow:

- LB 962 follows on the heels of LB 108, which was also the product of a task force and a bill that virtually begged Kansas to sue Nebraska under the Republican River Compact. LB 108 also invited the US Fish and Wildlife Service to ratchet up their endangered species and critical habitat agenda in the Platte River Basin.

- LB 962 is all about furthering the ends of the Kooperative (think Klamath) Agreement, which is all about putting a strangle hold on groundwater irrigators in the Platte valley for the alleged benefit of certain birds and fish.

- Why is this all happening? The falling dominos go down like this:

- 1) A segment of the central Platte is designated as whooping crane critical habitat (1978).

- 2) CPPID's license to operate Kingsley Dam expires (1984).

- 3) Renewal by the Federal Regulatory Commission (FERC) triggers review by USFWS of whooping crane critical habitat.

- 4) USFWS says operation of Kingsley poses threat to whooping crane critical habitat.

- 5) LB 108 is passed in 1995 against our strong objections. This bill linked groundwater and surface water and gave the USFWS the green light to push hard against groundwater irrigation.

- 6) Governor Nelson signs up Nebraska to participate in a three state (Nebraska, Colorado and Wyoming) program headed up by the USFWS to develop a basin wide species and habitat renovation plan called the Kooperative Agreement (1997).

- 7) Colorado walks away from the Kooperative Agreement saying Nebraska needs to do more to rein in groundwater pumping.

- 8) CPPID threatens lawsuits against the state and groundwater irrigators, who they blame for low surface water flows. (Anyone with any sense knows that the drought, not groundwater pumping, is now and has in the past, been the cause for low flows in the Platte. Remember in the 1930's when there were no wells, and the Platte dried up?)

- 9) The Water Policy Task Force is created to draft a new law giving the state DNR authority to order stays on new development.

- 10) In the meantime, DNR attempts to appease Colorado and CPPID by pressuring key Platte valley NRDs to impose moratoriums on new wells.

- 11) Task force produces LB 962.

- Going backwards, we can see that LB 962 is the latest effort to bail CPPID out of their FERC re-licensing mess involving the operation of their hydroelectric generators. Consider this: CPPID pro-

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duced only 5 million dollars in revenue from the generation of electricity in 2002. Just phase one of the Kooperative Agreement will cost taxpayers around 180 million dollars. The program has at least three phases. Factor in the economic hit of reduced irrigated crop production resulting from expanded restrictions on groundwater irrigation and you are talking millions more. Local communities that were built and are now sustained by irrigated agriculture will suffer as production is adversely affected due to irrigation water being reallocated from agricul-

ture for species and habitat renovation.

• All of this to protect a 5 million dollar operation of CPPID. This makes absolutely no sense. If ever a task force was needed, one should be formed right now by the legislature to investigate this travesty.

• Finally, LB 962 is not “pro-active”, it is reactive to four years of severe drought. The citizens of Nebraska do not need and cannot afford “pro-active” government. What Nebraskans want is minimal government intrusion into their lives. We expect our state leaders to have the backbone to do what is right to protect our rights and economic welfare.



**NEBRASKANS FIRST WEIGHS IN AT NRD HEARINGS ACROSS STATE**

In the past six months at Ogallala, North Platte, Lexington, Kearney, Grand Island, Central City and York, Nebraskans First Executive Director Don Adams appeared and testified at public hearings held by NRDs on the issue of imposing moratoriums on new wells. In late November, the board of the Central Platte NRD voted 11-8 to adopt a new well moratorium. This vote was very close and contentious. But it showed us something we had not seen to date. That is this: If enough irrigators get involved in the process by attending and testifying at public hearings to defend their rights, the board can be influenced. The Central Platte NRD board has a strong core of pro-ag, pro-irrigation members who

are willing to vote independently based on their conscience and the facts, rather than just go along with the politically correct position of the good ‘ol boys on the board. On the plus side, the Upper Big Blue NRD, after much input from us and other irrigators, decided not to adopt regulations which involved moratoriums on new wells. That board did a good job of listening to public input and responding accordingly. This is most encouraging. We need more irrigators to run for their NRDs so problems can be addressed at the local level before the state moves in and starts running the show.