

2002 material
may have been
dist. in 2003

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Attention: Steve Gaul

I received this form Mike Delka as comments for LB 108.

Claude Cappel
HC 30 Box 91A
McCook NE 69001

Phone 308-345-5569
Fax 308-345-5518
e-mail ccappel@ocsmccook.com

RECEIVED

NOV 01 2002
DEPARTMENT OF
NATURAL RESOURCES
10:35a.m. mh

Claude Cappel
 HC 30, Box 91A
 Mc Cook, NE 69001

October 31, 2002

Dear Mr. Cappel,

I started reading through the material you faxed me from the Executive Committee and have only a few comments.

First, I feel the task force should be focused on how to build a framework for water issues such as conjunctive use, water banking, water marketing, water transfers, water management, etc... It appears the focus is on how to salvage LB 108. I feel they should build the framework to deal with the issues and then let lawyers and the legislature determine if LB 108 can be salvaged, re-written or modified to meet the needs of the program they develop.

Second, don't worry about management area designation. All areas should be managed. Some areas will require more management than others and that is what will require definition. I feel the basis for the level of management is in the definition of "sustainable". This does not mean "controlled depletion" or "minimal depletion".

Third, the issue of equality of use or entitlement is critical. It will not make sense for a well irrigator to be allowed to use all a well will pump but a surface irrigator to have rate and volume restrictions. I feel all ground is at least entitled to use the amount of water that it contributes to the recharge of the local hydrological system within the sustainability of that system. Moratorium is not an issue, but, management is.

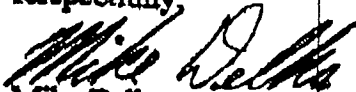
The following is an over simplified flow chart for my vision of any issue of the task force.

TASK FORCE > LEGISLATURE > DNR > NRD > WATER USER
 (concept) > (legal authority) > (broad policy) > (implementation) > (use)

For example, local control should be the same for all water users (ground and surface) and not tell one to call the NRD and one to call DNR. The task force should decide how to handle an issue, lawyers and the legislature should make it legal, DNR should set the policy, the NRD's should implement the policy and the water user should follow the NRD on the utilization of the resource in an equitable and sustainable manner. It should not be the goal of the task force to create a one size fits all concept to deal with every possible issue and decide how to micro manage every set of circumstances. That would defeat local control.

Thank you for letting me comment. Good luck!

Respectfully



Mike Delka
 P.O. Box 446
 Red Cloud, NE 68970
 Phone/Fax (402) 746-3424