

February 12, 1992 LB 306

SPEAKER BAACK: Senator Beutler, would you respond, please.

SENATOR BEUTLER: Yes, I will try to Senator Nelson. I'm not sure if I understand your exact example but...

SENATOR NELSON: All right, say for example the river goes dry at Lexington, Nebraska, because of, you know, a very minimal amount of flow and they've taken the water out upstream. Is there any protection at all in this bill then for, and they have senior water rights for a well field such as Grand Island that was not established until maybe, oh, I guess 25 years ago.

SENATOR BEUTLER: Well if the upstream users had a prior right to the City of Grand Island, then this bill wouldn't help the City of Grand Island.

SENATOR NELSON: In other words, what I've...

SENATOR BEUTLER: But if...

SENATOR NELSON: Go ahead.

SENATOR BEUTLER: Go ahead.

SENATOR NELSON: What I'm asking then is, you know, where there is a very minimal flow, people in the eastern part of Nebraska may be only holding their hands then if there is no more water coming down there. In other words, can they shut the water off at Lexington or North Platte for use in Grand Island or Central City?

SENATOR BEUTLER: I think basically if I'm understanding your hypothetical the answer is yes and will continue to be yes if there is not enough water. Now there is another set of laws dealing with preferences which provide us a set of circumstances under which cities can get water for domestic use in an emergency situation like that but that gets us into another whole area.

SENATOR NELSON: I'll sit back and listen this morning, but I somehow have reservations that maybe the bill, by trying to prioritize the water supply, may accidentally go the reverse to...and we certainly could not take on the City of Omaha or Lincoln when it comes to any legal decisions and so on and I'll just sit back and listen at the time being, but that is a