

March 31, 1981

LB 56

DeCamp, such a light bulb went off this morning when he heard Senator Beutler, because this concept of correlative rights was discussed I think rather extensively at the public hearing on LB 56, and, yes, we are departing from the correlative right system, and, yes, I think we should depart from the correlative right system when there is justification to do that, and maybe there is a time we will depart from the correlative right system in other areas, but what we are saying, I guess part of the underlying philosophy of the correlative right system is that we will share and share alike. And that may be fine until we share and share alike and there is not enough left for anyone. But in the areas where the impact on other users is tremendous and the potential for adversely affecting many other users and most of those other users with higher priorities as Senator Rumery has mentioned, then I think there is a basis to depart from the correlative rights doctrine. Now this bill does not change that preference system or priority system but it does build upon it to that extent and that is one reason that we picked industrial use. So it does, I think, reenforce the preference that domestic and agricultural uses have over industrial uses. To that extent I think it is a good deal but this isn't anything new. We are departing from the correlative right system. It makes a lot of sense to do it where the impact can be very large. So I urge you to reject the Beutler amendment and to move the bill.

PRESIDENT: Senator Kremer.

SENATOR KREMER: Mr. Chairman, I would call the question.

PRESIDENT: All right, the question has been called for. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye, opposed nay. Record the vote.

CLERK: 28 ayes, 0 nays, Mr. President, to cease debate.

PRESIDENT: Motion carries and debate ceases. Senator Beutler, you may close on your motion.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would just make a few short points. What I said with regard to the departure on the matter of the principle of correlative rights, I said, to point out to you what is happening, I said not to indicate that what was happening was negative or bad, I think it is necessary. My amendment is also, in my opinion, necessary. It is necessary to give us a means of controlling large scale immediate developments, a method we do not have presently in our regulatory setup,