

April 16, 1981

LB 252

SENATOR NICHOL: One minute left.

SENATOR BEUTLER:and the other people are unhappy because it doesn't allow enough transfer. So there are people unhappy in both directions on this bill. Whether you finally decide that there are certain amendments that should be attached to the bill, either benefiting the basin of origin or favoring transfer, I hope that each time you adopt an amendment you adopt an amendment that you are sure you can live with because I feel very strongly that a bill should be passed that the Legislature should take its responsibilities, should live up to its responsibilities, and set forth a policy and that we should not allow ourselves to be distracted or confused by the various amendments from one side or another that will be forthcoming at one stage or another, I am sure.

SENATOR NICHOL: Your time is up.

SENATOR BEUTLER: Thank you, Mr. Speaker.

SENATOR NICHOL: Mr. Clerk, you have something on the desk?

CLERK: Mr. President, Senator Goodrich moves to indefinitely postpone LB 252.

SENATOR NICHOL: Senator Goodrich.

SENATOR GOODRICH: Mr. President and members of the body, I am afraid, in my judgment at least, LB 252 does more than seek to treat that transbasin diversion of water. It adds considerable confusion to the surface water picture by adding a short shopping list of beneficial uses which must be considered in diversion issues. Exactly what this section means is unclear. Section 6 of the Nebraska Constitution, and I will read it verbatim, "Priority of appropriations shall give the better right as between those using water for the same purpose but when the waters of any natural stream are not sufficient for the use of those desiring to use the same, those using the water for domestic purposes shall have the preference over those claiming it for any other purpose, and those using the water for agricultural purposes shall have the preference over those using the water for manufacturing purposes, provided no inferior right to the use of waters in this state shall be acquired by a superior right without just compensation therefor to the inferior user." Since no appropriation is possible for such things as fish and wildlife, water pollution control, recreation, exactly how do they fit in the big picture and why these are necessary beneficial uses