

May 6, 1981

LB 146

apples and oranges together. The bill basically talks about pollution and so forth and here we are dallying in completely a new and different area and I think it would be very dangerous. I would oppose the Vickers amendment as I did before and I would encourage those to oppose it, too. Thank you.

SENATOR CLARK: Senator Lamb.

SENATOR LAMB: Well, Mr. Chairman, members, I rise to oppose the bill. What it really means is pump irrigators will be discriminated against. It means that irrigation wells will be shut off in order to protect downstream interest. Very bluntly, very briefly, that is the intent of the amendment. I think I've told many of you my experience in...well, not my experience but about a speaker I heard a long time ago who told about the situation in Colorado where a rancher was denied permission to put a well on his land because the courts ruled that it would interfere with somebody's surface appropriation fifty miles downstream sometime in the future, maybe as many as twenty-five or thirty or forty years. Theoretically it would interfere with that downstream appropriator and his water rights, of course, went back to about 1865 when the area was first settled and the water rights were taken out. So we would have the same situation in this state. If this amendment were adopted, you would in effect disenfranchise many pump irrigators if this was carried out because the surface irrigators have had water rights for many, many years but the rights of the pump irrigators are not similarly protected. This is an amendment that is very important. It deserves a bill of its own, not to be hooked on to a bill such as this. I ask that this amendment be defeated again. This really is a reconsideration although the way we have been operating under our rules, and this was news to me, if it is at a different stage of consideration, it is not considered reconsideration but that is really what it is. It was defeated before and I ask you to defeat it again.

SENATOR CLARK: Senator DeCamp. Senator DeCamp.

SENATOR DeCAMP: I was going to call the question but I am afraid I am going to get somebody owly at me if I do. I call the question.

SENATOR CLARK: The question has been called for. Do I see five hands? I do. All those in favor of ceasing debate vote aye, opposed nay.

CLERK: Senator Clark voting aye.

SENATOR CLARK: Have you all voted on ceasing debate? Record