

May 7, 1981

LB 252

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, let me remind you again briefly that the bill at this time does have a slight preference for the basin of origin. As you will remember from General File the bill was attacked from both sides as not protecting the basin of origin enough, and from the other side, not allowing enough transfer, not allowing enough latitude for transfer. The General File debate reinforced my belief that the bill does have a good sense of balance, that it does slightly favor the basin of origin but that it does allow for transfers in reasonable situations. Again, at this stage of debate, the bill is being attacked from both directions. Senator Vickers has the amendment that we are discussing right now. There is a second amendment on file which would protect the basin of origin significantly more and just to give you a sense of direction there is a third amendment on file which is basically technical in nature but which I will discuss presently because it relates to Senator Vickers' amendment. I hope that you do not adopt the Vickers amendment for the simple reason that I feel that it does tilt the balance more in favor of the basin to which the water would be transferred and it is understandable that Senator Vickers should be fighting hard for this, his area. His is a very water short area but beyond the fact that we are tipping the balance there is another dimension to this amendment which he has talked about but which is an element which needs much more research and much more discussion in this state before we venture to resolving the problem. Senator Vickers' amendment would lay down criteria for determining when applications were proper simply for taking river water out for use on land adjacent to the river. As you all know we have an appropriations system in this state for the use of water and first in time is first in right by and large. Now what Senator Vickers is saying is that there is one principle applicable both to transfers in the basin and to transfers between basins insofar as our Constitution speaks and the Constitution says that all of these applications, all these transfers, all these takings of water will be allowable except when it is in the public interest. Now in LB 252 we have taken half of that problem and we said with regard to the transfer of water as between basins, we will define what the public interest means and we have set out the criteria. Now what Senator Vickers would have you do by this amendment is something that will need to be done in the future but which broadly expands the scope of this bill by laying out criteria which are applicable to the simple taking of water and use of it within the basin. This is a very very hot topic as I do not need to tell you. So I would ask you to reject it for that second reason. Let me say in conjunction with that second rationale though,

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