

May 8, 1981

LB 252

the State of Nebraska, we have to recognize both types of circumstances for both unique problems and I believe that to make an accusation that this is purely a provincial issue is absolutely not so. I think the bill is well worked out now and urge its passage.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Mr. Chairman, members of the Legislature, I am going to have to oppose the advancement of LB 252 the way it is presently written. I would have supported it if we would have gone along with the Vickers amendments which made this a fair type of guideline, if and when the time ever comes when we will attempt to move water at a directive of the Director of the Department of Water Resources. I want to emphasize once again, and I do not know how accurate it is, but if it is accurate to any degree at all, the High Plains study brings out very clearly that we are going to lose about two million acres of irrigated land in the State of Nebraska in the foreseeable future. We know where that is. The study also brings out that Nebraska is a water rich state. We are most fortunate. Nebraska, of all the western states, seems at least to have an abundance of water to take care of all the needs in the foreseeable future, and I talk about foreseeable future, the study goes as far as the year 2020, which sounds like it is a long ways away but that is only 39 years, not too long, really. I really believe that the bill the way it is presently written is unconstitutional. I have submitted a letter asking for an opinion from our Attorney General. We are dealing with water being taken out of a river and why should we use a different formula when it is diverted from the river within the basin or without the basin. The attorney, or I mean the court has plainly said that all the water in all the rivers belongs to all the people, and all we are talking about when we talk about transbasin diversion, it is always water that is surplus. No way are those of us in a water short area ever going to ask for something that you need, that has been allocated, and need when you need it. If we are going to build more reservoirs and we are going to retain some of the water that is leaving our state, there is going to be water for all of us. But when we write a bill that is unfair, that is unbalanced, I cannot accept it. If we would have adopted the amendments offered by Senator Vickers, I would have gone along. We need to give some guideline, but the way it is now written it is not fair and I will oppose the bill.

SPEAKER MARVEL: Senator Lamb. Senator Lamb and then Senator Haberman.