

would be brought about as a result of if Section two, if the amendment on Section two is adopted.

CLERK: Okay, I see.

SENATOR CLARK: The next amendment to Section one. That one is withdrawn. We are taking these amendments up section by section so we'll take all the amendments on Section one first before we go to Section two.

CLERK: Mr. President, the next amendment I have to Section one is from Senator Beutler: By adding after the word "life" in line 21, page 1 the words "indefinitely, in the case of recharging aquifers or; in the case of non-charging aquifers." Is that right, Senator?

SENATOR CLARK: Senator Beutler.

CLERK: Mr. President, I read the wrong amendment, my fault. I apologize. The amendment offered by Senator Beutler is in Section one, by striking the sentence beginning in line 14 and ending in line 19 of page 1.

SENATOR CLARK: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, again we're in the intent section of the bill and the sentence that I want to strike is the sentence that says, "Every landowner shall be entitled to a reasonable and beneficial use of the ground water underlying his or her land, subject to the provisions of Chapter 26 (sic) article 6, and the correlative rights of other landowners when the ground water supply is insufficient for all users." I want to strike that sentence from the intent language and the reason that I want to do that is not necessarily that I disagree with the beneficial use doctrine because by and large I do agree with it, but I want to strike it because it serves no useful purpose here and it may serve a very bad purpose. The doctrine of beneficial use does not come to us from the Nebraska statutes. It comes to us from the courts. The courts established long ago that Nebraska was going to operate with regard to ground water under the doctrine of beneficial use. Down through the years and through the decades the court has interpreted case by case what beneficial use means and it means different things depending on the question asked and the situation involved. Interpreting the doctrine of beneficial use recently, the court came down with the decision that the water was basically the property of the public subject to beneficial use. My main concern is that I don't know what effect putting