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LB 708

geothermal resources when you get down to what it means actually includes some water. So as I understand it, Senator DeCamp and Senator Nichol and the sponsors of the bill have no objection to deleting that, and for purposes of continuity and clarity in the Nebraska water law I think it should be deleted so as to be consistent. Thank you.

SENATOR CLARK: Is there any discussion on the Beutler amendment? If not, all those in favor vote aye, opposed vote nay. Have you all voted? Record the vote.

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of Senator Beutler's amendment.

SENATOR CLARK: The Beutler amendment is adopted. The next amendment.

CLERK: Mr. President, Senator Beutler would move to amend the bill. Would you like me to read it, Senator?

SENATOR BEUTLER: That's fine, Pat. Do you have objections to this, John? Okay, this amendment, Mr. Speaker and members of the Legislature, attempts to address a second problem that I perceive with the bill, and that is that it basically states that the ownership and right to develop geothermal resources belongs to the subsurface or mineral estate. Now up until this point in time in Nebraska there have been an awful lot of farmers and ranchers who have severed the mineral rights or given the mineral rights to an oil company or to somebody else, and the mineral estate exists separate from the fee estate or the ownership of the land as such. Now it seems to me that by and large that when those people gave those mineral rights, they did not anticipate and they did not foresee and they did not specifically designate or know that they were giving away the rights to geothermal resources which includes water rights. So the point of my amendment is to say that henceforward that may be the case, but with regard to mineral rights that have already been severed, that those mineral rights do not include the right to geothermal resources. So the point to the amendment is that we do not interfere in relationships that existed prior to the passage of this law and say as a matter of law that they gave away the geothermal resources or the rights to the geothermal resources when they gave away the mineral rights because I think by and large that was not the intention of the farmers and ranchers who severed the mineral rights. So that is the purpose of this amendment.

SENATOR CLARK: Senator DeCamp.