

April 8, 1982

LB 726

is what they are doing, and you are going to generate an incredible quantity of litigation. Now, no matter what happens on this bill, I hope sometime I can discuss how it does conflict with LB 375 despite statements to the contrary.

PRESIDENT: Time. Senator Schmit, do you want to finish?

SENATOR SCHMIT: Mr. President and members of the Legislature, I would just like to say very briefly that whether you like it or not subirrigation is a form of irrigation. Surface irrigation is another form. Under 375 we said that all irrigators were to be treated equally. Under 726 those with subirrigation would be given a preferential treatment. Subirrigation, whether you like it or not, is the least efficient of any kind of irrigation. Under 726 a rancher is prevented from draining his land with a ditch, yet one of the ranchers who is a foremost proponent of this legislation has ditched thousands of acres of his land and he would be prevented from doing it under this bill. Let me say to Senator Cullan and to Senator Vickers that the wet lands are not confined to the Sandhills. There are thousands and hundreds of thousands of acres of wet land in eastern and central Nebraska. I do not have the expertise that Senator Cullan has nor the experience that Senator Vickers has but I have done a few of the things that they described, and I can tell you very frankly...you have heard from Senator Kremer, you have heard from Senator Kahle, you have heard from Senator Lamb, Senator Hefner, they say the law conflicts with 375. Now if you want to listen to the people who present a very narrow point of view and say, we want the bill because it will do these things and so forth, then you listen to them. You don't need to listen to me. You haven't done that on a number of occasions and you probably were wise to do so, but you ought to listen to those who have had a lot of experience in this type of an area and this type of a subject. I support the kill motion on LB 726 and Senator DeCamp gave you the best reason in the world because you will all be charging back here in a dead run when those ranchers come after you and explain, we didn't want that to happen, we wanted to be able to utilize our land and our water the way we thought we should, and now you say we can't do it. I suggest to you that the bill will do those things which you least want it to do if it is enforceable....

PRESIDENT: Time. Time is up.

SENATOR SCHMIT: ...which I doubt very much that it is.

PRESIDENT: Okay. Do you want to say the last word, Senator?