

April 8, 1982

LB 726

agree on bills like 726. So I think that the bill ought to be advanced and we ought to get about other business today.

PRESIDENT: The Chair recognizes Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, we have spent a lot of time in this Legislature in the last year, the last two years, the last four years, last ten years, talking about efficient use of water, efficient use of groundwater, what we should do with surface water, how best to utilize the stream flows, who is entitled to use the water, what should be the highest and best use. We talked a lot about the first in time first in right theory that pertains to the use of surface water. Senator Cullan may be an expert in the Sandhills. He proposes to be so. I would disagree with him. In my office in the last ten days for another purpose there have been dozens of ranchers, not a one of them have asked me to vote for 726. Quite the contrary, they have asked me to vote against it. I'll tell you very frankly why. Under LB 726 if I as an individual in the Sandhills decide to install an irrigation well and it should under this proposal if my neighbors thinks...if my neighbor thinks that the installation of that well could cause his wetlands, so to speak, or his subirrigation to be depleted, he can stop the installation of that well. It is as simple as that. Number two, if you are providing for efficient use, if you are providing for the rights of correlative use, and we have talked a lot about that on this floor...we have said that if there is not enough water to go around then we are going to share and share alike. Well, I would like to know, Senator Cullan and Senator Vickers, how when one man is talking about a subirrigated meadow extending over a section of land, for example, how you are going to share and share alike that kind of a system with another man who has got four irrigation wells on an adjoining section. You gentlemen were the ones who were the foremost advocates of meters. You tell me how in the name of good common sense you are going to put a meter on a subirrigated meadow. How do I know, Senator Cullan, that you are not extracting many, many times the amount of water that I am? We have talked about the losses of water from evaporation, and I hope that some of you who come from the eastern part of the state, who live in water short areas, and recognize the necessity for water conservation ask yourself, by what right, by what token of reasonableness do we allow millions of gallons of water to escape through evaporation that does no one any good just so that perhaps maybe somewhere, somehow, someone might have a subirrigated meadow? If you are going to define irrigation