

April 8, 1982

LB 726

in some way or other. I am not sure but how this would affect that fundamental process. Now we are developing a new system of drainage up there and it is being used pretty extensively. We are doing the same thing that they do in Iowa. We are tiling. We are putting underground tile in to drain the water off the land before you ever talk about putting water on the land. So your very act of even preparing the land before you put that well down is a form of changing "the wet meadow" or "some of the underground subirrigation", etcetera. Now I do believe you are giving a specific higher preference, much higher preference through this legislation to the 1.2 million of wet meadows, if you would, over all the other land, and I do believe you will find out it screws up royally the correlative rights theory that we have had. Now Chris, and Peter, I am sure they are convinced this needs to be done, that this is the proper way. Now, I voted to advance this bill to the floor, and let me tell you why, because there was something awfully important in this bill originally. In fact, I think it is the most important water issue in the state right now and it is the one we all decided, or I should say you decided to strip out of the bill, and that is establishing legally the interrelationship between surface water and groundwater. If you would deal with that, this will be handled automatically, your subirrigation, your wet meadows, you will get all that taken care of. But in order to get the bill moved apparently you took out, as I say, what I consider the real fundamental decision that has to be reached which is the interrelationship between surface and groundwater, developing your rights, your damages if necessary that apply, your legal liability when you cause somebody damage, you took that all out, and what you have left, I think, is a disturbance of our existing law that we are just getting into place and just getting into function. I urge you not to advance the bill. I commend Senator Vickers.

PRESIDENT: One minute, Senator DeCamp.

SENATOR DeCAMP: I commend Senator Vickers for coming in with the essence of the bill originally which was dealing with interrelationship between surface and groundwater and I am most disappointed that that purpose which was the essence of this bill is gone now and you have got a completely different animal.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, it is sad that we have allowed ourselves to stray so often so far from the truth. Let me clear up several