

decision that a water right for a wildlife refuge as precedence over an agricultural right. He said he foresees similar decisions elsewhere as agencies seek more balance in water use now dominated by agriculture. And I have been told, and I don't know if it's right or wrong, Chris, and answer for me, that this legislation patterns Kansas legislation passed in 1983. Is that true or not? Or help me out.

SENATOR BEUTLER: Well, to the best of my knowledge, this legislation doesn't pattern any Kansas legislation, but I can't say that absolutely or not. I don't understand. Every law has a...every state has a different set of laws and a different set of constitutional provisions, Senator Nelson, and, as you know, it's in our constitution that there are certain preferences and those preferences state that domestic use is first and certainly a general right with regard to wildlife or wildlife habitat would not come under a domestic definition by any stretch of the imagination. Domestic comes first, ag comes second, then industrial comes third. Unless we change our constitution, I guess I don't understand how, under our laws, that could ever happen.

SENATOR NELSON: Thank you, Chris. I appreciate that. This was something that I thought I needed to bring up and I know that we do have to be concerned about environmental issues and, in a number of cases, I can see that that has helped agriculture. So I...it was a question that I did want to get on the record and whether or not you felt the same thing would apply in Nebraska. Thank you.

PRESIDENT MOUL: Thank you, Senator Nelson. Senator Schmit.

SENATOR SCHMIT: Ladies and gentlemen, the amendment which made this bill acceptable to many of you was the Wickersham-Beutler amendment, which changed the priority date and it may well be a year or two from now if this bill doesn't become law we will wish we had settled for this. The problem, as I see it and as I think we all understand it, is that no legislation is ever final. It is always an evolving thing. It's like the weather. As one front moves in, another one moves out, and as a high moves in, follows a low, so does legislation move across the legislative board. I would fully expect that in a year, two at the most, that the priority dates will be changed. I don't expect Senator Beutler to propose that. He won't, of course, have to. There will be others who will do that. I would fully