

SENATOR WICKERSHAM: ...actually that was the discussion you were having with Senator Bromm with regard to water. For example, for surface water, the Nebraska Supreme Court has determined that users or appropriators do have a constitutionally protected interest in the use of the water and that that is a property right.

SENATOR CHAMBERS: Senator, what he was talking about was building wells...

SENATOR WICKERSHAM: Yes, I know that you were discussing...

SENATOR CHAMBERS: ...with water that did not...all right, so that is not even what we're talking ..you're talking about something where a property right has been declared. He was mentioning something which he conceded in the beginning was not owned.

SENATOR WICKERSHAM: But, Senator, I think two things are illustrated by that. One, a use of something can be a property right, and, secondly, that the definition of what property is is wholly in the hands of the courts.

SENATOR CHAMBERS: No, that's not true, Senator Wickersham. Wait a minute, let me ask you.

SENATOR WICKERSHAM: For this purpose it is, Senator.

SENATOR CHAMBERS: Well, why do you say that?

SENATOR WICKERSHAM: Because it is the courts that determine what is a taking and what is property.

SENATOR CHAMBERS: Haven't we defined property in the statutes?

SENATOR WICKERSHAM: For some specific purposes, yes.

SENATOR CHAMBERS: Are you aware that definitions that are in the statute and the definition section will say for purposes of this and so...

SPEAKER WITHEM: Time. Senator Bromm.

SENATOR BLOMM: Thank you, Mr. Speaker. I think the last discussion between Senator Wickersham and Senator Chambers