

SPEAKER WITHEM: Senator Jones.

SENATOR JONES: Thank you, Senator Witek. I just want to give an example of a situation that did happen in my district and I would sure like to have time to explain that because up in my area there's, on the Little Elkhorn where it started, is a ranch country up there and the stream actually just started just above this guy's ranch and it come through it and made a wet hay meadow for him and he had been haying it ever since he moved there in 1929. And the man below him and everybody, every ten years they let them clean that out so...dredge it out so it would keep it open because they fill it up with rushes. The man below him refused to clean it out one year because it kind of went through a range of hills and it didn't bother him whether it was cleaned out or not, so the 6,100 feet he said he wasn't going to clean out. Well, what that did, it was cleaned out the last time in 1983 and in 1993 it should have been cleaned out again and it wasn't and so it filled up with rushes and backed up and covered the whole 110 acres of his hay meadow. So they went to him and tried to get him to clean it out and he wouldn't clean it out so they took him to court. And when they...in court, the judge says now you have to clean that out because that's been the program all these years. So when they got ready and he says, well, I'm not going to do it, so they went to take him in contempt of court, then just the day before they took him in contempt of court, he called the Corps of Engineers. Well, they came down there and started tromping around in it and had saddle horses and went around and surveyed it out there and it was belly deep to a tall horse right out in there where he had been a haying. And so, anyway, what happened then, the Corps of En...that's about three-foot high. What happened then was after that happened, well, the Corps of Engineers started tromping around in it and the Soil Conservation in O'Neill declared it a wetland. So then it took it clear away from him so he appealed back to the Soil Conservation in O'Neill and they turned it down, so he appealed back to the Soil Conservation down here in Lincoln and he did win the case with Bob Crosby's help on it. And I'm hoping that they will get it cleaned out but he says now he's still not going to clean it out. So they got another time to come back in contempt of court on April the 13th. So I don't know how this is coming out right now. But he lost 110 acres, under water now, that he cannot hay and that's at least two crops a year and that amounts to pretty near \$50 000 a year on 110 acres. So that, I would say, is a taking. It started out