

SENATOR HUDKINS: Let's assume it's a water shortage conflict.

SENATOR BEUTLER: Okay. And the junior appropriator has a higher preference?

SENATOR HUDKINS: Yes.

SENATOR BEUTLER: A municipality, for example?

SENATOR HUDKINS: Whatever it might be.

SENATOR BEUTLER: So...and your question is what?

SENATOR HUDKINS: If the...

SENATOR BEUTLER: What happens? I mean the...

SENATOR HUDKINS: Yes, you have the surface water...

SENATOR BEUTLER: The appropriator with the higher right gets the water, but if they get the water they have to compensate the other.

SENATOR HUDKINS: That would be my next question, would there be compensation.

SENATOR BEUTLER: Um-hum.

SENATOR HUDKINS: How about if you have a ground water irrigator who dug his well in, let's...I don't...pick a year, 1950, and you have a surface appropriator that his appropriation became effective in 1960, so ten years later, and there was a water shortage conflict, what would the outcome of that situation be?

SENATOR BEUTLER: Well, first of all, that's a situation that rarely exists in the state of Nebraska because all of the...most all of the surface water users have come first-in-time. In fact, that's why obviously we have a much more established, and statutorily established and constitutionally protected surface water system because that's what came first...

SENATOR HUDKINS: So even in this...