

would have a discussion of this particular issue. I am wanting to discuss it with you now because I don't think that necessarily happened. And the issue that's addressed in this amendment is one that received extensive debate in the Water Council. Senator McKenzie, I think, heard more about grandfathering than she ever wanted to hear. I don't know whether Senator Bromm got tired of hearing it. I know that there were others who got tired of listening about what it meant and how it applied to ground water in particular. And the version of grandfathering that you have before you that appears on page 33 of the amendments in subsection (b) of (6) is not the only version of the grandfathering issue that was considered by the Water Council. In fact, there were a considerable number of other options. The reason that I believe the grandfathering issue is one of the central issues that is of concern in this bill is the intention of the section, subsection (b), to grant a...cr give the potential for granting a particular group of ground water users special status based only on the time that they drilled a well. Now, that kind of a policy is not in keeping with other policies that we apply to ground water. Specifically, it is not in keeping with what is usually referred to as the doctrine of correlative rights in that ground water users share the shortage of water and that their rights, if any, to the water, and you have to use that advisedly because underground water belongs to the people of the state of Nebraska, that their rights, again you need to use that advisedly, are based on a joint use of the resource. They are not dependent on whether you were there first. They're not dependent on whether you can prove that you have the best use. They're not based on whether or not you are the richest person in the area. They are not based on whether you are the largest landowner. They are simply based on how much is available and what are the competing uses. The provision that is in the bill is designed to allow a change in that very fundamental policy. It is designed to allow consideration of time--I was there first. Now, as applied to ground water, I think using time as a basis for conferring special status is not a very good policy. And, in fact, in some ways I think it is a very bad policy. Not only does it go against longstanding policy in the state of Nebraska, as enunciated by the Supreme Court, the doctrine of correlative rights, but it creates a different set of economic assumptions than the doctrine of correlative rights. And those economic assumptions, I think, are ultimately unhealthy for the agricultural community. They are unhealthy because they will