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FLOOR DEBATE

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evaluation is fully appropriated or overappropriated. Because that's an aspect of the bill that I'm not sure I fully understand. The general rule with regard to surface water has always been the idea of first in time, first in right, so that those who apply for a surface water right and gain an appropriation, they would come before whoever applied for and gained one after them, and so on, until such time as there was no point to applying for water that wasn't there anymore. So the whole theory of surface water was to give an appropriator a necessary amount of water and to protect the investment of that appropriator or group of appropriators by assuring them that no matter how many people wanted the water, those who came first would have the water. And that's the system we started out with historically in Nebraska, of course, because back in the nineteenth century we didn't know how to effectively use the ground water for irrigation, and all we used, obviously, were the rivers. And so we started out using just river water, and we started out first in time, first in right. And then in the 1970s--and before that, with regard to gravity-flow irrigation--but in the 1970s, that's when we begin to experience so many problems, because of the development or the invention of the center-pivot irrigation system and the very extensive use of ground water that began to develop from that point in time forward. And interestingly enough, as that system developed, it rejected outright the first in time, first in right theory, and it adopted instead the theory of correlative rights, meaning basically that when water got short, instead of the one who came first getting the water, everybody shared equally in the loss of the water, so that theoretically, as in a restricted area where there was not water for everybody, more and more people could put in wells, and to the extent that there wasn't enough water, each of the wells would get less water, at least in a theoretical basis, and they would share...they would continue to share equally. And that theory doesn't do so well in terms of protecting one's investment, obviously, because you who invested long before others may in that process run...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...out of water before you run out of enough water to plant corn or maybe to plant any crop, depending on the