

March 28, 1984

LB 1106

SPEAKER NICHOL: Thank you. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the body, I'm not sure that I agree entirely with what Senator Landis says but we have agreed on so many things in the course of this debate that it is only proper, I would guess, that we would disagree once in awhile. I believe at the present time that if anyone else wants to divert water they have to show that it is in the public interest and the instream flow provision is also held to that same standard and I believe that is reasonable and prudent. I would hope that we would not adopt the Landis amendment and I'll not close for him this time.

SPEAKER NICHOL: Senator Landis, did you wish to close? We only have one other amendment on this bill and then we would like to run four bills that do not have amendments, so if you would stick with us just a few more minutes, we will knock it off shortly. Senator Landis.

SENATOR LANDIS: Mr. Speaker and members of the Legislature, instream flow legislation has been a subject of considerable controversy for years now. There is a great deal in 1106 to suit the developers. As a matter of fact, we are going to get a \$10 million A bill over to the Governor. I don't expect it to stay there for long, but it is going to get there. We have provisions in this bill that will foreclose, I think, judicial action that has been used to stop development. We have initiated some planning that will be all to the benefit of developers. The one thing that those of us who are concerned about the environment have asked for is that we guarantee the thought that it is a protectable interest to keep rivers running, that there is an inherent virtue in seeing to it that we don't have these bone dry, sand ribbons running across the State of Nebraska. To do that, and to make sure that there are adequate recharge supplies in this part of the state, we need to make sure that the instream flow right is treated the same as other rights and can compete with those other rights for acknowledgment in the weighing of the carefully balanced decisions that have to be made with respect to water. If we don't do this amendment, we have instream flow rights that