

SENATOR SYAS: Yes they do, I don't know what the activity of the Federal Government but I would assume that the Federal Government would rather not participate. It is true that a navigatable stream is made navigatable by what the federal government says is navigatable, but years ago also the Federal Government did give control of the land under the streams in the Missouri River being included, gave it to the states of Iowa, Nebraska etc., at that particular time Nebraska took it and adjoined it to the adjoining land owner at the stream, and Iowa retained it in the General Public. Any waters that flow...the waters belong to the people and this is a case where the water even flowing over the private land is an easement and the water belongs to the people. Now people can not get out on the shore, they are then trespassing, but as long as they are in the boat they would be allowed the use of these areas which is part of the river. I have never heard of the Federal Government and I think that they would be reluctant, even though I think that they could to take any position on this. I think that they would just rather have us do it and not get into it at all.

PRESIDENT: Senator Dickinson, Schmit, then Clark.

SENATOR DICKINSON: Well Senator Syas yield to a question please?

SENATOR SYAS: Yes.

SENATOR DICKINSON: I think that you have pretty well answered clearly, would you give some example of navigatable streams in Nebraska.

SENATOR SYAS: A navigable stream is anything that the Federal Government says is navigable. You get into the area there where the Federal Government is never consistent as to what is navigable. I mean the federal government says what is navigable.

SENATOR DICKINSON: Which streams in Nebraska have they...

SENATOR SYAS: I know that they have made the Missouri River but I couldn't tell you whether they have or have not. I will say this whether they are navigable or not, people have the right to boat and we have passed the law years ago where a person, for instance on a smaller river, it was the Mahoney bill and you have a lot of small rivers in the sand hills and I think Senator Kime will realize this one, where a rancher sometimes puts a fence across the stream, where in this particular case a law was passed by the legislature to allow you portage, trespass long enough for portage around the

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fence that was across the stream. We did not try to bar the rancher from putting the fence across the stream, but on this particular case on navigable under the federal government we all know that the Missouri River is navigable and the definition as I understand is navigable which I said is whatever the federal government considers navigable but there is no doubt about the Missouri River and this is where the complaints come in from the Missouri River.

PRESIDENT: Senator Clark.