

PRESIDENT: Excuse me, Senator Schmit, go ahead.

SENATOR SCHMIT: Mr. President, members of the Legislature would Senator Syas yield to another question? What is the difference Senator Syas between a natural stream as described in the title of the bill and a navigable stream which you have described?

SENATOR SYAS: Well, of course I don't really know that there is any difference, a natural stream and a navigable stream other than the fact that a natural stream would not necessarily be navigable. That is the only difference that I can see. You have have what is navigable and what are not but they are still natural streams.

SENATOR SCHMIT: Then with any natural stream which is referred to in the title of the bill be covered by this legislation? In effect would they be allowed to....

SENATOR SYAS: It could be.

SENATOR SCHMIT: They would be allowed access to any area from any natural stream.

SENATOR SYAS: Will now wait a minute, you...lets get the question right first. You were saying any area now. I would like before I answer that ask you what you mean by your question.

SENATOR SCHMIT: As you know Senator Syas these streams always maintain a constant flow and from time a to time and lets a...a...much greater capacity than others and so there would be periods of time when there would be areas such as are described in the bill would be considered fair game under this law. It might well be that it would be an imposition or trespassing upon private property, would it not?

SENATOR SYAS: No, I don't think so because as long as you stay in the boat on a free flowing stream the question has always been that the person always has the right of ingress and egress by boat because the water belongs to the public. The land under it doesn't. Keep in mind that the person could not anchor his boat or go on shore but for instance the Platte River, I think that is what you are thinking of I can go up and down that river in a boat all over it legally as long as I don't get out on the shore or on a sand bar because then the farmer or rancher could chase me off because he owns the land, but he does not own the water and that is the only thing that we are talking about. So you have to allow ingress and egress in a flowing stream because the general public owns the water.

SENATOR SCHMIT: Alright then what need is there for the bill Senator Syas.

SENATOR SYAS: Pardon?

SENATOR SCHMIT: Why do we need the bill then, if he has this right now?

SENATOR SYAS: Because it has never been, that is the opinion of people but it has never been really in this legislature to define and also the fact is that in this particular case we unless we do something about it we can not force these people to take down there chains that across these necks behind dikes