

because the federal judge, not a federal judge, a local judge up there put an injunction against the state and it sets that way and there is nothing that you can do about it until we pass this law.

SENATOR SCHMIT: What the bill boils down to then is really going to be one more restriction of private property rights.

SENATOR SYAS: No it isn't private property now. BEcause you don't own, I don't know where you farm is, if it is on the Platte River or not, but you own the land under that river but you don't own the water.

SENATOR SCHMIT: I don't know an...a....I don't own any land on the Platte River.

SENATOR SYAS: All right, but none of these farmers or ranchers own the water in the inner river. You have to allow ingress or engress or transportation on water by boats.

PRESIDENT: Senator Syas back off your mike a little bit please.

SENATOR SCHMIT: Then the question is still in my mind as to if the question is clear in your mind, and the private property rights are not going to be infringed upon, I don't think that we need the bill.

SENATOR SYAS: Well we need the bill for the obvious thing that has already happened. They put chains across these necks, where the general public can not go in and use their own water. I...there is no doubt that on the Missouri River or any other stream of the state that the private land owner owns the bottom of the stream. Surprisingly for some of you even though the Missouri River is a federal stream it is privately owned underneath, in Nebraska. The federal government gave up that land to the state of Nebraska but the waters, you have to allow boating because the waters belong to the people. So do the waters of the Elkhorn, Platte River or Stinky Creek or whatever you want to call it. The water does not belong to the land owner.

PRESIDENT: Senator Skarda, Whitney then Duis.

SENATOR SKARDA: Mr. President, members of the body I'm probably more familiar with than anybody else including the introducer of the bill. Because I have lived, fished, hunted in the area that is conversed about and questioned and all the controversy is created about. East of Tekamah there is about 200 acres of water directly off of the Missouri River, and the opening into that 200 acres is about 1/4 of a mile wide. There is a fellow out there that doesn't own the land, but he leases it and he put a cable across, and this is where the rhubarb developed. On the cable it has No Trespassing and so on and so forth but I fish and hunt out of it every year. I'm not a scard of his cable. I go in or under it with my boat, but there are people who are alarmed over the situation and the farmers up there are concerned about it and they don't think that it is right and this is the incident that has caused all of the trouble. This is the incident that we are trying to resolve with a piece of legislation that Senator Syas has got. It is an open body of water that is accessible to the Missouri River and this guy runs a cable across it a quarter of a mile