

January 9, 1974

I am well aware that the land owner owns the bottom of the stream, but he doesn't own the water.

SENATOR DUIS: Let me inform you of this much, when that water passes by over that particular section, no one else is able to take that water from the stream except that particular land owner and he has to apply to the department of irrigation for permission to remove the water from the stream at that particular point.

SENATOR SYAS: Yes, and why is that Senator? Because it belongs to the people. The water.

SENATOR DUIS: When it gets to where the people are that want it.

SENATOR DUIS: That is right, in other words if my city wanted part of that water that is getting into another area, we could take it out of that stream because the water of that stream belongs to the people, and that is what we are doing here. We are merely saying that the water of the state, and this is limited on this bill, it says navigable streams, but I said that it should be for all streams but that I would go along with the Game Commission request and restrict it, but on the constitution of the state of Nebraska I think that it applies to all streams.

PRESIDENT: Chair recognizes Senator Stull, then Senator Nore.

SENATOR STULL: I have would like to ask Senator Syas a question. The question is, I believe that all of the rivers have been designated, all of the rivers of Nebraska have been designated by the federal government that they are navigable. I think that this bill might just turn up a real hornets nest.

SENATOR SYAS: I don't know what streams and if you want to look it up what streams are navigable in the state of Nebraska, I couldn't tell you. I said that it was designated by the federal government, not by the state of Nebraska. I wish to say again that our constitution says that and the only trouble is that we never implemented it by law. I think that this is giving the people their rights and the Missouri River is the only place where this has come up on or this bayou's where they are being fenced off. I think that Senator Skarda was right on this situation.

PRESIDENT: Now, Senator Nore...oops, Senator Syas.

SENATOR SYAS: Bear in mind that we have already passed one bill allowing portage on streams. Senator Mahoney's bill of a few years ago and it is now in the statutes that if you come to one of these things that you are allowed to portage around it.

PRESIDENT: Senator Nore.

SENATOR NORE: Mr. President, fellow members I think that this is probably one of the bills that shouldn't be here. I think that we are running into, we have thousands and thousands of fences across these rivers, and I think that it would be horrible where they could take wire snips and clip all the wires and to me

(end belt #10)