

January 24, 1979

LB 27

SENATOR KREMER: Of course, I don't know of any aquifer that has a thickness of two thousand feet in Nebraska.

SENATOR KEYES: There isn't but there will be if we keep on pumping it out.

PRESIDENT: The Chair recognizes Senator Cullan.

SENATOR CULLAN: Mr. President and members of the Legislature, I would like to address a point raised by Senator Dworak with respect to Legislative Bill 27. Senator Dworak was concerned that this piece of legislation might affect the priority system, the difference between, the right of an individual who uses domestic water as compared to an individual using water for irrigation. I think that Senator Kremer made it abundantly clear that it is not the intent of this bill nor could this bill be interpreted to do that. I think this simply is a matter of justice and gives some instructions to the court system of when a case does come before them as to what kind of a decision might come about. I think we are concerned about a case where an irrigation well exists and a domestic well comes in and someone might intentionally put a domestic well at a level that was unreasonable and then bring suit against an irrigator and force the irrigator to deepen the well or to provide water to him because of the effects of the irrigation well on the domestic well when, in fact, the domestic well wasn't deep enough to begin with. So I don't think there is anything unreasonable about this bill. I think it makes a lot of sense. Certainly it is the intention of Senator Kremer and I think of the Legislature and it is clear in the Constitution that domestic well has the first priority and that water for human consumption and for livestock will come before water for irrigation purposes. This bill does not change that. I think it is simply a piece of legislation which could avert some problems that may come up in the future and I congratulate Senator Kremer for bringing this to the Legislature and I certainly hope that the Unicameral would pass this measure.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members of the body, I want to rise in support of what Senator Kremer is trying to do. I think we have got many problems, perhaps very few in court, over this issue and many of the domestic wells are not very deep in the State of Nebraska, and even without irrigation, sometimes went dry in a dry year. I don't think we are trying to force them to go to China to get water. I think we are just trying to make it a reasonable decision by