

March 7, 1980

LB 908

SENATOR KREMER: The bill addresses itself to water that comes from the pumping of water from the underground and also does capture water that comes from a rainfall and this dam, so to speak, or the reuse pit has to be on the owner's, on the operation of his own farm of course, but previously there was a question if or not a reuse pit could be built on a natural stream, so to speak and first there was interpretation it had to be off of the natural stream. I believe Senator Vickers will explain that and say that it would take care of that problem that we have.

SENATOR CARSTEN: Okay, I will listen for Senator Vickers' explanation. Thank you.

SPEAKER MARVEL: Senator Vickers, do you want to speak to the amendment?

SENATOR VICKERS: Yes, Mr. President, fellow members. In answer to Senator Carsten's question, if I understand Senator Carsten's question correctly, the bill addresses itself to near a headwater segment of a natural stream. Now if it is a running stream or a stream of any consequence then it wouldn't be addressed in LB 908. The problem that I will discuss later on is as Senator Kremer indicated, the interpretation as to what a natural stream is. The legal interpretation is that any depression, underground or runs water intermittently throughout the year and basically if you didn't dig it with a spade it is a natural stream and that is the problem.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 908. Senator Lamb. Senator Lamb, do you wish to be recognized?

SENATOR LAMB: Mr. President, members, I have a question of Senator Vickers, please.

SENATOR VICKERS: Yes.

SENATOR LAMB: Let me pose a hypothetical question that I want a reuse pump but I have this creek on my place and so I also am going to cheat on it a little bit and I am going to put my reuse pit in such a position that natural springs kind of halfway fill it so that I can use some of that which is really underground or really is part of the stream flow in my reuse pit and also of course they use water that does come from the field, legitimate reuse water. How does this bill as amended deal with that problem?

SENATOR VICKERS: Well as I said earlier if it is not near the headwater segment, if you are getting any spring water in