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LB 908

there, then my advice to you would be to get an incorporation because I think you are going to need it. The way this bill is drawn up and the intent is to pick up reuse water, however, as Senator Kremer pointed out, obviously if you have it in a place where it can pick up your reuse water then natural rainfall falls on that same field is going to also run into the pit. So in that instance you are going to get some surface water but if it is water from a creek as you point out and you construct a pit in that creek to catch some of this water from a natural stream, then I don't think that this is going to exempt that.

SENATOR LAMB: I am not talking about a flowing stream. I am talking about you put your reuse pump in such an area so that it just seeps in from the bottom, you know. You are up above the flowing part of the stream but you dig it down you know ten, twenty feet, whatever, and so then this water that would have otherwise eventually been in the stream would have first gone into the reuse pit...

SENATOR VICKERS: You are saying the underground water is going to seep into the pit?

SENATOR LAMB: Right.

SENATOR VICKERS: If you are more than fifty feet from a natural stream at this point in time right now, I don't think you have to have a permit until you start running in your irrigation water. That is when you start getting the need for the permit. When your irrigation water runs in it at the present time, under the interpretation of the Department of Water Resources, that irrigation water that has been underground water until after you run it out the end of your pipe and down through your corn rows, at that point in time it becomes surface water. Then the department says that you have to have an appropriation to reuse that water. I don't think you would have to have an appropriation if you simply dig the pit down and underground water runs into it. I think there is definitions in the law that would say that that is a well basically provided you are more than fifty feet from a natural stream.

SENATOR LAMB: Thank you.

SPEAKER MARVEL: Okay, Senator Cope and Senator Kahle.

SENATOR COPE: A question of Senator Vickers, Mr. President.