

March 7, 1980

LB 908

SENATOR VICKERS: Yes, Senator Cope.

SENATOR COPE: Senator Vickers, dry creek, other than flood time of course or rain, the dam across it, you have a water right say first, second or third water right on this water, this will not change that in any way?

SENATOR VICKERS: No, absolutely not.

SENATOR COPE: Okay, thank you.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, members, Senator Vickers, perhaps you could help me a little or Senator Kremer. Aren't we talking about something here a little different than what we normally consider a reuse pit? Maybe Senator Kremer. If it is in the bottom of a draw that runs water part of the year when it rains or in the spring, isn't that a little different than the way we pocket water in a corner of a field that we normally call a reuse pit?

SENATOR KREMER: I'm not sure I understand exactly what you are trying to ask me, Senator Kahle. You say, are we talking about something that is not a reuse pit?

SENATOR KAHLE: Yes, part of the time at least. If you put that in the draw like you are talking about...

SENATOR KREMER: And just dam it, the draw, and catch the water...

SENATOR KAHLE: And just dam the draw and catch the water, isn't that a different deal than when you put it in a high spot some place at the lower end perhaps of an irrigated field and make a pit?

SENATOR KREMER: Well we are talking about something that has been done in the past a great deal. This is true. Just damming up a draw and catch the water, it stops erosion and it stops the runoff water on your own farm but we are talking about the building of a retention reservoir, a little reservoir or a reuse pit on your own farm at the headwaters of a stream where it doesn't affect anybody really. Now say if you would put it downstream a little ways where it would affect someone that has appropriation downstream I think you would have to have an appropriation. Now Senator Vickers can speak to this but I think we are talking about something on your own farm that is at the headwater way up at the top of a little natural stream.