

Most of the water that goes in there is water that you have pumped out of the ground and of course you would catch the rainfall there too. I think that is what we are talking about here. Now you will remember, Senator Kahle, that two or three years ago we passed a law saying that no water pumped out of the ground should be allowed to run off of the farm. Well the most convenient and the most logical place to construct this reuse pit is right on that little recession or that little stream and some did that. Then the question arose, is this legal, and I think that is the question the NRDs were raising. Now what Senator Vickers' bill is doing, it is addressing itself to that and saying that if it is on your own farm, it is up at the top of a little stream, why, yes, it is going to be legal. Now, Senator Vickers, you may wish to verify that or not. I don't know but I think, Senator Kahle, that that is a little bit different proposition then. I don't know if Senator Vickers wants to address that or not. I'm sure he does.

SENATOR KAHLE: Senator Vickers.

SENATOR VICKERS: Yes, Senator Kahle, perhaps you don't realize that the legal description of a natural stream according to the Department of Water Resources is any depression in the ground that runs water at intermittent times of the year any time during the year. Now if you have got an irrigated field and you are going to construct your reuse pit at the corner of the field which most farmers do, you are obviously going to put your reuse pit in the low part of the field. In order for the water to get in that pit it has to get in what is technically called a natural stream even though it is out there in the middle of an irrigated farm because it has got to get to the lowest part of the ground in order to run into it. Therein lies the problems so no matter where the reuse pit is at, even if it is on the edge of the field, technically, according to law, you have to have an appropriation to pump back out of it. Now the fact is ninety or ninety-nine percent of the reuse pits in the State of Nebraska at the present time are illegal because they don't have this appropriation. Most farmers don't even realize they have to.

SPEAKER MARVEL: You have three minutes left on the bill.

SENATOR KAHLE: Well I am not going to take up your time. The thing that I am talking about though is that that stream or whatever you want to call it and where that reuse pit is put is usually has an overflow arrangement that goes back into that running stream if there were a running stream and there isn't any reuse pit of course that will hold all