

the Sporhase case, it says, we note that conditioning a landowner's right to transfer ground water, either within or without Nebraska, does not deprive him of a property right, since under Nebraska common law ground water may not be transferred off the overlying Nebraska land at all, unless the public owners of the water grant that right. And the way we grant that right is through statutes, and we have never done that for transfers of commercial and industrial uses below 3,000 feet, 3,000-acre feet. I think the law is absolutely clear. So, it's not a question of whether we should do this. I'm not opposed to what Senator Bernard-Stevens is trying to do, but I think it's absolutely critical how we do it. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Senator Elmer, you're next.

SENATOR ELMER: Thank you, Mr. Speaker. In addressing some of the concerns that people have been voicing about the use of water across the state and the diversities they're in, the process is under way where all of the NRDs in the state are going to be required to put together ground water management plans that include the management of the quantities of water in all the aquifers in all the different NRDs. And I don't believe that any well or ground water use within an NRD would be exempt from that. And if they want to regulate the amounts of water being withdrawn from aquifers, they do have in their power to put together those kinds of plans that limit or restrict or ration the use of water, which is being accomplished bit by bit, month by month, by the various NRD boards across this state. It takes time, as we all know, because ground water, as such, is a difficult thing to assess, not being able to go out and watch it or put your hands on it, or see it flow like you see a stream flow. Hydrology in the state varies greatly, as Senator Vrtiska was talking about, and conditions are very different. And I would suggest that as we go through this process of setting up these NRDs and their management areas that this type of a transfer that we're talking about here will become very easy to solve within those NRDs. We've put that there before, and I do appreciate Senator Beutler's suggestion that this transfer thing needs to be addressed because there are literally thousands of people out there transferring water illegally right now, under the common law that Senator Beutler has described. That's why it's difficult. This is a start, this is a stopgap thing to protect a very large investment that's been made, and a forbidding process that was not there for them to use, in the